

Glenn Goldsmith, President
A. Nicholas Krupski, Vice President
Eric Sepenoski
Liz Gillooly
Elizabeth Peeples



Town Hall Annex
54375 Route 25
P.O. Box 1179
Southold, New York 11971
Telephone (631) 765-1892
Fax (631) 765-6641

BOARD OF TOWN TRUSTEES
TOWN OF SOUTHOLD

Minutes

Wednesday, April 13, 2022

5:30 PM

Present Were: Glenn Goldsmith, President
A. Nicholas Krupski, Trustee
Eric Sepenoski, Trustee
Liz Gillooly, Trustee
Elizabeth Peeples, Trustee
Elizabeth Cantrell, Senior Clerk Typist
Lori Hulse, Board Counsel

CALL MEETING TO ORDER
PLEDGE OF ALLEGIANCE

TRUSTEE GOLDSMITH: Good evening, and welcome to our Wednesday, April 13th, 2022 meeting. At this time I would like to call the meeting to order and ask that you please stand for the pledge.

(Pledge of Allegiance is recited).

TRUSTEE GOLDSMITH: I'll start off by announcing the people on the dais. To my left we have Trustee Krupski, Trustee Sepenoski, Trustee Gillooly and Trustee Peeples. To my right we have attorney to the Trustees Lori Hulse. We have Senior Clerk Typist Elizabeth Cantrell. We have Court Stenographer Wayne Galante. And from the Conservation Advisory Council we have John Stein.

Agendas for tonight's meeting are posted on the Town's website and also out front. We do have a number of postponements tonight.

In the agenda, on page eleven, we have number 19, East End Pool King on behalf of **KIERAN COLLINGS** requests a Wetland Permit to install a proposed 16'x32' vinyl swimming pool with approximately 1,300sq.ft. at grade patio; install pool enclosure fencing; install a drywell for pool waste water; and install a pool equipment area.

Located: 3960 Ole Jule Lane, Mattituck. SCTM# 1000-122-4-26.1 has been postponed.

On page 12, numbers 20 through 23. On page 13 we have numbers 24 through 30, and on page 14 we have numbers 31 through

34. They are listed as follows:

Number 20, **BRIDGET CLARK** requests a Wetland Permit for the existing 20'3"x22'4" (452sq.ft.) Detached garage and to convert it into an accessory apartment by replacing existing windows, exterior door, add plumbing to connect to existing septic, and install a wall mounted electric heating unit.

Located: 7825 Soundview Avenue, Southold. SCTM# 1000-59-6-15

Number 21, Michael Kimack on behalf of **NUNNAKOMA WATERS ASSOCIATION, INC.** requests a Wetland Permit to perform work on

the property located at 645 Wampum Way (1000-87-2-42.3), consisting of installing 235 linear feet of Shore Guard 9900 vinyl hybrid low-sill bulkhead with helical supports installed at discretion of contractor; restore approximately 200 linear feet of eroded bank with 90-100 cubic yards of sand recovered from storm deposit area; install filter fabric ($\pm 1,600$ sq.ft.), and plant American Beach grass @ 18" on center ($\pm 1,200$ plants) over restored bank area; construct storm water concrete diversion swale (10'x43', 430sq.ft.) with rip-rap runoff area (10'x20', 200sq.ft.), consisting of 50-150 lb. stones set on filter fabric; the storm washed sand area is to be restored to the original grade line and the removed sand (90-100 cubic yards) is to be used on site to restore the eroded bank area; on all three properties, dredge a portion of Moyle Cove to deepen channel in three (3) areas, AA, BB and CC to a depth of -4.00ft. (Approx. 365 cubic yards), and area DD to a depth of -3.00ft. (Approx. 85 cubic yards), for a total dredging of approximately 450 cubic yards; the dredge spoils is proposed to be spread on the two Sauer properties (255 Wigwam Way, SCTM# 1000-87-2-40.1 & 175 Wigwam Way, SCTM# 1000-87-2-40.2), in an area of approximately 8,000 sq.ft. And to a depth of approximately 1.5ft.; the dredged spoils placement area will be surrounded by a silt fence with hay bales to be kept in place and maintained until the spoils are de-watered.

Located: 645 Wampum Way, 255 Wigwam Way & 175 Wigwam Way, Southold. SCTM#'s 1000-87-2-42.3, 1000-87-2-40.1 & 1000-87-2-40.2

Number 22, Michael Kimack on behalf of **SOUTHOLD BAYHAVEN PROPERTY OWNERS ASSOCIATION** requests a Wetland Permit to remove

approximately 150' of existing bulkhead, landing with staircase and wood walkway; install approximately 166 linear feet of new vinyl bulkhead with dead-men tie-backs; remove approximately 527sq.ft. of American Beach grass with approximately 85 cubic yards of soil and approximately 20 linear feet of 12" PE corrugated drain pipe, and replace with approximately 25 cubic yards of beach sand to extend beach landward of easterly removed existing bulkhead line; remove approximately 564sq.ft. of American Beach grass in area seaward of easterly existing bulkhead line and replace with approximately 21 cubic yards of beach sand (total beach grass removed is $\pm 1,091$ sq.ft.); relocate approximately 70 linear feet of 12" PE corrugated pipe which proposed "V" rip-rap tapered swale runoff; construct new replacement 4.5'x7' (31.5sq.ft.) Landing and 3'x24' (72sq.ft.)

wood walkway in same locations as existing; and establish new American Beach grass planting area ($\pm 1,200$ sq.ft.) to replace areas lost in kind.

Located: 975 Watersedge Way, Southold. SCTM# 1000-88-5-64

Number 23, Richard Boyd, R.A. on behalf of **CHRISTINE HOWLEY** requests a Wetland Permit to install a seaward retaining wall 210 linear feet long and 46" high at the east side of the property and 30' from the wetlands with a set of stairs with landing (112sq.ft.); a second landward 58 linear foot long and 26" high retaining wall at the south side of dwelling; a 41sq.ft. outdoor bbq area; and to add approximately 250 cubic yards of fill to raise the grade tapering from 0" to 18" at the perimeter of the dwelling.

Located: 320 Sailors Needle Road, Mattituck. SCTM# 1000-144-5-29.3

Number 24, Raymond Nemschick, AIA on behalf of **ROGER SIEJKA** requests a Wetland Permit to construct a two-story, single-family dwelling with a basement; first floor is 24'5" wide by 50'0" deep; front porch is 11'0" wide, 6'2" deep; rear veranda (deck) is 24'5" wide by 10' deep; and overall max height is 32'3".

Located: 955 Blossom Bend, Mattituck. SCTM# 1000-115-6-22

Number 25, Jeffrey Patanjo on behalf of **SADIK HALIT LEGACY TRUST** requests a Wetland Permit for the as-built bluff stairs consisting of the following: 4'x4' at-grade top landing to an 8,2'x9.5' upper platform to 18'x4' steps down to an 8'x3.8' middle platform to 16'x4' steps down to a 19.4'x10' lower platform to 14.5'x4' steps down to beach; all decking on structure is of untreated lumber.

Located: 2200 Sound Drive, Greenport. SCTM# 1000-33-1-16

Number 26, Sea Tech, LLC on behalf of **BARBARA BODKIN** requests a Wetland Permit to reconstruct in place 125 linear feet of timber/concrete bulkhead with new Navy style vinyl bulkhead; construct two (2) 8' returns; remove and replace existing landward 4.5' wide wood boardwalk, 70sq.ft. over-water wood platform, and retaining walls as required; and to install 30 cubic yards of clean fill from an approved upland source.

Located: 610 Bayview Drive, East Marion. SCTM# 1000-37-5-2

Number 27, Cole Environmental Services on behalf of **SCOTT & LEA VITRANO** requests a Wetland Permit to remove existing pier and float; construct a proposed 4'x14' landward ramp leading to a 4'x35' fixed pier with Thru-Flow decking a minimum of 4' above wetlands; a proposed 3'x12' metal ramp; and a 4'x20' floating dock situated in a "T" configuration and secured by two (2) 8" diameter piles.

Located: 3875 Main Bayview Road, Southold. SCTM# 1000-78-2-15.1

Number 28, Cole Environmental Services on behalf of **JUSTIN & ALLISON SCHWARTZ** requests a Wetland Permit to construct a proposed 4'x165' fixed pier with open grate decking a minimum of 4' above tidal vegetative grade; a 3'x16' aluminum ramp; a 6'x20' floating dock situated in a "T" configuration; and to install a natural path leading from upland to fixed pier using permeable material.

Located: 2793 Cox Neck Road, Mattituck. SCTM# 1000-113-8-7.6

Number 29, Costello Marine Contracting Corp. on behalf of **JOSEPH & MARY ELLEN LOGIUDICE** request a Wetland Permit to construct a 4'x40' landward ramp onto a 4'x110' fixed dock with a 4'x40' "L" section at seaward end; construct a 4'x40' lower platform with a 5'x4' access platform and a 4'x16' ramp; install three (3) two-pile dolphins; and provide water and electrical service to dock.

Located: 10995 North Bayview Road, Southold. SCTM# 1000-79-5-20.14

Number 30, Jeffrey Patanjo on behalf of **ANTHONY & BEATRICE FALCONE** requests a Wetland Permit to install a proposed 4'x6' cantilevered platform off of bulkhead; a 30" wide by 14' long aluminum ramp; and a 6'x20' floating dock supported with two (2) 10" diameter CCA piles and situated parallel to the bulkhead.

Located: 405 Williamsberg Road, Southold. SCTM# 1000-78-5-17

Number 31, Costello Marine Contracting Corp. on behalf of **FOUNDERS LANDING BOATYARD, LLC** requests a Wetland Permit for a Ten (10) Year Maintenance Dredge Permit to dredge a 2,400sq.ft. Area to -7.0' below mean low water, removing approximately 240 cubic yards of spoil; dredge spoils to be trucked off site to an approved disposal site.

Located: 2700 Hobart Road & 1000 Terry Lane, Southold;
SCTM#'s 1000-64-3-10 & 1000-64-3-11

Number 32, Michael Kimack on behalf of **TIMOTHY J. & GINAMARIE STUMP** requests a Wetland Permit to construct approximately 315 linear feet of hybrid low sill bulkhead; backfill with approximately 100 cubic yards of course clean sand just below lowered sheathings; maintain approximately 2 ½ to 1 slope from top of sloughed bank and then flat to bulkhead; install approximately 3,200sq.ft. of filter fabric over disturbed area and fasten with 8" galvanized pins; plant spartina alterniflora to high water mark and then spartina patens to undisturbed line @ one (1) foot on-center (±3,200 plants).

Located: 2200 Minnehaha Boulevard, Southold. SCTM# 1000-87-3-61

Number 33, Michael Kimack on behalf of **JANICE HILLMAN SHYLES a/k/a JANICE HILLMAN REVOCABLE TRUST** requests a Wetland Permit to construct a 4'x18' walkway with a staircase consisting of three (3) treads and four (4) risers with Thru-Flow decking (72sq.ft.), connected to a 4'x24' fixed dock with Thru-Flow decking (96sq.ft.), 168sq.ft. total; and to install 14 - 8" diameter pilings.

Located: 8340 Main Bayview Road, Southold. SCTM# 1000-87-5-23.2

Number 34, Michael Kimack on behalf of **MARIA H. PILE** requests a Wetland Permit to construct a 36.0'x34.7' (1,249.2sq.ft.) two-story dwelling on foundation in accordance with FEMA standards for a AE zone; and a pervious driveway. Located: 420 Lake Drive, Southold. SCTM# 1000-59-1-21.2

In the Town Code, Chapter 275-8(c), files were officially closed seven days ago. Submission of any paperwork after that date may result in a delay of the processing of the application.

I. NEXT FIELD INSPECTION:

TRUSTEE GOLDSMITH: At this time I'll make a motion to hold our next field inspection on Wednesday, May 10th, 2022 at 8:00 AM.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

II. NEXT TRUSTEE MEETING:

TRUSTEE GOLDSMITH: I'll make a motion to hold our next Trustee meeting Wednesday, May 18th, 2022, at 5:30 PM, at the Town Hall main meeting hall.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

III. WORK SESSIONS:

TRUSTEE GOLDSMITH: I'll make a motion to hold our next work sessions Monday, May 16th, 2022, at 5:00 PM, at the Town Hall Annex 2nd floor executive board room, and on Wednesday, May 18th, 2022, at 5:00 PM at Town Hall Main Meeting Hall.

TRUSTEE SEPENOSKI: Second.

TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

IV. MINUTES:

TRUSTEE GOLDSMITH: I'll make a motion to approve the Minutes of the March 16th, 2022 meeting

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

V. MONTHLY REPORT:

TRUSTEE GOLDSMITH: Under Roman numeral V, The Trustees monthly report for March 2022. A check for \$12,637.34 was forwarded to the Supervisor's Office for the General Fund.

VI. PUBLIC NOTICES:

TRUSTEE GOLDSMITH: Public Notices are posted on the Town Clerk's Bulletin Board for review.

VII. STATE ENVIRONMENTAL QUALITY REVIEWS:

TRUSTEE GOLDSMITH: Under Roman numeral VII, State Environmental Quality Reviews.

RESOLVED that the Board of Trustees of the Town of Southold

hereby finds that the following applications more fully described in Section XI Public Hearings Section of the Trustee agenda dated Wednesday, April 13, 2022 are classified as Type II Actions pursuant to SEQRA Rules and Regulations, and are not subject to further review under SEQRA, as written:

W. Harbor Bungalow, LLC, c/o Craig Schultz SCTM# 1000-10-7-18
Southold Sunsets, LLC SCTM# 1000-54-4-3
Nora Tuthil Glueck SCTM# 1000-117-5-14.1
Bridget Clark SCTM# 1000-59-6-15
Little Ducks Realty, LLC SCTM# 1000-104-13-3
Konstantinos D. Katsiris & Julia Melinda Orlie Katsiris SCTM# 1000-90-3-3
Kieran Collings SCTM# 1000-122-4-26.1
2500 Soundview, LLC SCTM# 1000-94-2-1.5
John Cosenza SCTM# 1000-50-1-5
Founders Landing Boat Yard, LLC SCTM# 1000-64-3-11
David Schwartz SCTM# 1000-90-4-5.1
Bruce & Sarah Rothstein SCTM# 1000-126-11-11
Geanie Arciga & Thomas Juul-Hansen SCTM# 1000-72-1-1.10
Sheena Acharya & Adrian Sapollnik SCTM# 1000-83-1-7
Susan Karten SCTM# 1000-114-9-14.1
Edward & Meredith Rerisi SCTM# 1000-63-7-37
Lauris Rall SCTM# 1000-128-2-12
Frank & Christine Mangano SCTM# 1000-91-1-7

TRUSTEE GOLDSMITH: That is my motion.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL YES).

VIII. RESOLUTIONS - ADMINISTRATIVE PERMITS:

TRUSTEE GOLDSMITH: Resolution and Administrative Permits.

Under Roman numeral VIII, in order to simplify our meetings, the Board of Trustees regularly groups together actions that are minor or similar in nature.

Accordingly, I'll make a motion to approve as a group Items 1, 3, 4, 6, 8, 10, 11, 14 and 15. They are listed as follows:

Number 1, Patricia C. Moore, Esq., on behalf of **KEVIN & ELIZABETH HUDSON** requests an Administrative Permit for an as-built replacement of wire fence and 6' wood fence along property lines with 33' of 4' stockade fence from end of post and rail fence, to a 6' high 100' long stockade fence to 4' stockade fence (25') ending at street.

Located: 680 Deep Hole Drive, Mattituck. SCTM# 1000-115-12-9

Number 3, Eugene Burger on behalf of **NORTH FORK LENDING, LLC** requests an Administrative Permit to install 6' high PVC fencing along the length of the eastern property line.

Located: 64600 Main Road, Southold. SCTM# 1000-56-7-4.1

Number 4, Eugene J. Burger on behalf of **EUGENE C. BURGER**

requests an Administrative Permit to remove a 460 square foot brick patio on the eastern side of the house; remove a tree in the eastern yard whose branches threaten severe window damage in easterly storm winds; remove a 15 square foot stone wall on the north side of the property; continue, on the north side of the property, a stone retaining wall of approximately 55 square feet; install a 565 square foot bluestone patio on grade at the northeast corner of the house; install a 156 square foot bluestone patio on grade at the southeast corner of the house; install stepping stones to access the proposed patios from the door on the eastern side of the house.

Located: 2385 Pine Tree Road, Cutchogue. SCTM# 1000-104-3-2

Number 6, **EILEEN B. OAKLEY** requests an Administrative Permit to conduct construction activity within 100' from landward edge of wetlands to construct on vacant parcel an approximate 71'x80.8' two-story, single-family dwelling with basement; a 24'x36' garage; install a septic system; and to install a driveway.

Located: 3400 Little Neck Road, Cutchogue. SCTM# 1000-103-9-13.1

Number 8, **DEBORAH DOTY** requests an Administrative Permit for a Ten (10) Year Maintenance Permit to hand-cut Common Reed (*Phragmites australis*) to not less than 12" in height by hand, as needed and to eliminate poison ivy by hand.

Located: 670 West Creek Avenue, Cutchogue. SCTM# 1000-103-13-5.3

Number 10, Michael A. Kimack on behalf of **THREE SEASONS LLC** requests an Administrative Permit for the construction activity within 100' from landward edge of wetlands for the modification and reconstruction of existing (1625sq.ft.) deck with addition of a 30'x12' (360 sq.ft.) saltwater pool.

Located: 2060 Clearview Avenue, Southold. SCTM# 1000-70-10-28.2

Number 11, **KAREN & ANTHONY DELORENZO** request an Administrative Permit to remove the roof over existing attached garage and construct a 520 sq.ft. second floor storage area located in the north easterly side of premises; construction of an 8'x10' portico over the front door supported on two sides by adjacent structure and a structural column to existing deck.

Located: 470 Haywaters Drive, Cutchogue. SCTM# 1000-104-5-21.1

Number 14 GEC Contracting Inc., on behalf of **PIPES COVE MANAGEMENT ASSOCIATION c/o ROBERT WALLACE, PRESIDENT** requests an Administrative Permit to remove and replace siding, trim, replace windows and doors and to replace surface decking as follows: Building #1: three (3) first floor decks approx. 320sq.ft. each; Three (3) second floor decks approx. 130sq.ft. each; Building #2: four (4) first floor decks approx. 296sq.ft. each; four (4) second floor decks approx. 130sq.ft. each; Building #3: two (2) first floor decks approx. 145sq.ft. each; two (2) second floor decks approx. 145sq.ft. each.

Located: 131 6th Street, Greenport. SCTM# 1000-49.-1-25.2, 25.3, 25.4, 25.5, 25.6, 25.7, & 1000-7-1-16.1, 16.2, 16.3., 16.4 & 16.5

Number 15, En-Consultants on behalf of **VANSTON BEAR, LLC** requests an Administrative Permit to throughout approximately

86,400 sf area (including approximately 5,000 sf "north ravine" area and approximately 6,000 sf "south ravine" area), selectively remove existing noxious and/or invasive vegetation (e.g., mile-a-minute weed, Russian olive, Phragmites, poison ivy), and establish both replacement and supplemental native plantings (e.g., bayberry, serviceberry, various native grasses, ferns, herbs, and sedges) using young plants and over-seeding methodology; install three 8 to 10-foot long coir log vegetated level spreaders to slow and infiltrate stormwater; and establish a 10' wide, approximately 1,500 sf non-turf buffer on west side of proposed dwelling to be planted with native grasses (e.g., big bluestem, switchgrass).

Located: 5250 Vanston Road, Cutchogue. SCTM# 1000-111-10-14
TRUSTEE SEPENOSKI: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE GOLDSMITH: Number 2, Ural Talgat on behalf of **MELISSA KATZ REVOCABLE TRUST** requests an Administrative Permit to replace existing 91sq.ft. deck with new wood deck, 199sq.ft. (9.5'x20.9') located between the top of the bulkhead and the bottom of the slope.

Located: 8045 Nassau Point Road, Cutchogue. SCTM# 1000-118-4-8

The LWRP found this to be inconsistent. The inconsistency is the Board issued a Wetland Permit in 2011 that required the removal of the deck. In 2021 a second permit was issued for the parcel that does not mention the deck. The deck remained in its original location in 2016 and is shown on the April, 2022 aerial photos. An unpermitted structure cannot be replaced. The proposed deck is located within the FEMA VE velocity hazard area and will be subject to loss from storm events.

Trustees Krupski conducted a field inspection on this March 27th, noting that the deck was straightforward, that the existing vegetation is not being disturbed, and that stainless steel hardware is to be used for construction. And also that the deck is on grade.

So I will make a motion to approve this application with the conditions that the deck is on-grade and it is constructed with stainless steel fasteners, and as-built fees, which will bring into consistency with the LWRP.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE GOLDSMITH: Number 5, Martin D. Finnegan, Esq., on behalf of **VICTOR P. & GLORIA E. ALSOBROOK** requests an Administrative Permit for the as-built 29'x9' side brick porch, a 26'x15' brick patio at grade and a rear wooden deck 24.6'x15'5" deep, 3'7" above grade with 5'4" x 6'2" wide access stairs seaward of the deck, lying 32.6' landward of existing permitted timber bulkhead.

Located: 130 West Lake Drive, Southold. SCTM# 1000-90-1-19

The LWRP found this to be inconsistent. The inconsistency is the as-built structures were constructed without Board of Trustees review or permit.

Trustee Peeples inspected this on March 31st, noting that it was straightforward.

So I'll make a motion to approve this application as submitted whereby granting a permit will bring it into consistency with the LWRP.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

Number 7, **ELLEN L. HUFÉ** requests an Administrative Permit for a Ten (10) Year Maintenance Permit to hand-cut Common Reed (*Phragmites australis*) to not less than 12" in height by hand, as needed.

Located: 3195 Wells Avenue, Southold. SCTM# 1000-70-4-9

The LWRP found this to be consistent.

Trustee Gillooly conducted a field inspection March 28th, 2022, noting that there was shrubs and trees and native plantings besides phragmites that should not be trimmed.

So I'll make a motion to approve this application with the condition that the trimming is of phragmites only.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 9, **FREDERICK B. POLLERT & ELIZABETH BUZASH-POLLERT** request an Administrative Permit for the repair of the existing 44'x20' on-grade stone patio.

Located: 375 Lighthouse Lane, Southold. SCTM#: 1000-70-6-29.2

The LWRP found this to be consistent.

Trustee Peeples inspected it on April 10th, 2022, noting that there was drywells on the plans that are not in the description.

So I'll make a motion to approve this application with the condition that the on-grade section of the stone patio be removed so that it is not on-grade.

So the approved project description thereby reads as follows:

Frederick B. Pollert and Elizabeth Buzash-Pollert, request an administrative permit for the repair of the existing 44'x20' stone patio.

Located 375 Lighthouse Lane, Southold.

That is my motion.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 12, **TOR & JOAN TORKELSEN** request an Administrative Permit for an as-built 14'2"x18'5" deck with 4'

wide steps and three (3) treads, located at rear of house.
Located: 3675 Wells Avenue, Southold. SCTM# 1000-70-4-4

The LWRP found this to be inconsistent.

Trustee Gillooly conducted a field inspection April 4th,
noting the deck measures the length and width as shown.
Located 91 feet from the bulkhead.

So I'll make a motion to approve this application as
submitted, and by granting it a permit will bring it into
consistency with the LWRP.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

TRUSTEE GOLDSMITH: Number 13, AMP Architecture on behalf of
MAUREEN DANILCZYK requests an Administrative Permit for a
proposed 217 sq. ft. (15.4'x14.1') enclosed sunroom; proposed 50
sq. ft. (10'x5') vestibule; and a proposed 111 sq. ft. (14'x8')
wood deck.

Located: 550 Cedar Point Drive East, Southold. SCTM# 1000-90-2-16

The LWRP found this to be consistent.

Trustee Peebles did a field inspection March 31st, noting
that the application was straightforward, but the original
request in the plans show drywells, so that we need to add that
to the project description.

So therefore I'll make a motion to approve this
application, and with the condition that the drywells as shown
on the project description stamped received March 15th, 2022,
are included in the project description.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

IX. APPLICATIONS FOR EXTENSIONS/TRANSFERS/ADMINISTRATIVE AMENDMENTS:

TRUSTEE GOLDSMITH: Under Roman numeral IX, in order to
simplify our meetings, I'll move to approve as a group Items 1,
2 and 3. They are listed as follows:

Number 1, En-Consultants on behalf of **ALEXANDER PERROS**
requests the Last One (1) Year Extension to Wetland Permit #9476
and Coastal Erosion Permit #9476C, issued on June 19, 2019 and
Amended on November 13, 2019.

Located: 19215 Soundview Avenue, Southold. SCTM# 1000-51-1-18

Number 2, En-Consultants on behalf of **MICHAEL MONTEFORTE**
requests an Administrative Amendment to Wetland Permit #9957 to
reduce areas of the proposed dwelling from 1996 to 1911sq.ft.;
the covered patio from 376 to 357sq.ft.; and to increase the
area of the proposed grade-level pervious gravel patio from 530
to 644sq.ft.

Located: 4060 Ole Jule Lane, Mattituck. SCTM# 1000-122-4-26.2

And number 3, Ian Crowley on behalf of **LEONARD ROSENBAUM**

requests an Administrative Amendment to Wetland Permit #9985 to remove the existing 11' low sill bulkhead at the north end of the property and excavate an 11'x20' area to -4ALW to create an 11'x20' slip for a small vessel(s).

Located: 520 Snug Harbor Road, Greenport. SCTM# 1000-35-5-34

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

X. MOORINGS/STAKE & PULLEY SYSTEMS:

TRUSTEE GOLDSMITH: Under Moorings/Stake & Pulley Systems, I'll make a motion to approve as a group items 1, 2 and 3. They are listed as follows:

Number 1, **ALEC FAUVELL** requests a Mooring Permit for a mooring in Gull Pond for a 32' inboard motor boat, replacing Mooring #3. Access: Public

Number 2, **JOHN CONSIGLIO** requests a Mooring Permit for a mooring in Gull Pond for a 31' sailboat, replacing Mooring #12. Access: Public

Number 3, **JOSEPH LOMONACO** requests a Mooring Permit for a mooring in Richmond Creek for a 23' outboard motorboat, replacing Mooring #92. Access: Public

TRUSTEE SEPENOSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

XI. PUBLIC HEARINGS:

TRUSTEE GOLDSMITH: Under Roman numeral XI, Public Hearings, at this time I'll make a motion to go off our regular agenda and enter into the public hearings.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: This is a public hearing in the matter of the following applications for permits under the Wetland ordinance of the Town of Southold. I have an affidavit of publication from the Suffolk Times. Pertinent correspondence may be read prior to asking for comments from the public. Please keep your comments organized and brief, five minutes or less if possible.

WETLAND & COASTAL EROSION PERMITS:

TRUSTEE GOLDSMITH: Under Wetland and Coastal Erosion Permits,

Number 1, JMO Environmental Consulting on behalf of **W. HARBOR BUNGALOW, LLC, c/o CRAIG SCHULTZ** requests a Wetland Permit and a Coastal Erosion Permit for the existing 6.5'x53' fixed dock with a 11'x11' fixed portion in an "L" configuration; existing 3.5'x12' ramp and existing 8'x20' floating dock; the 6.5'x53' fixed dock and 11'x11' fixed portion in the "L" configuration to remain; remove existing ramp, float and two piles and install a new 4'x20' ramp with rails and an 8'x18' floating dock

situated in an "I" configuration secured by four piles; and to install four tie-off piles.
Located: 371 Hedge Street, Fishers Island. SCTM# 1000-10-7-18

The Trustees have not been able to make a field inspection on this property yet. We did do an inhouse review of the plans on April 5th, noting that it appears that the proposed float exceeds the pier line.

The LWRP found this project to be inconsistent. The inconsistency is the applicant has not provided information on whether sea grass including eel grass occurs around the dock that can be impacted.

The Conservation Advisory Council did not make inspection, therefore no recommendation was made.

Is there anyone here who wishes to speak regarding this application?

MR. JUST: Good evening. Glenn Just, JMO Environmental Consulting, on behalf of the applicant.

TRUSTEE GOLDSMITH: To address the LWRP's concern, was there any mapping of the aforementioned eel grass that is in that area?

MR. JUST: I did a survey along with the surveyor when we did the wetlands lines and mean high water and things like that. And we didn't notice any. That's why it was not on the plans. And if there was, we would have said there was eel grass onsite. But we didn't find any in the area 200 or 300 feet from the shoreline in either direction.

TRUSTEE GOLDSMITH: Can you address the concern about potentially exceeding the pier line of the neighboring docks?

MR. JUST: I didn't realize it was -- do you have an arrow to put up? I just wasn't aware it exceeded the pier line.

TRUSTEE GOLDSMITH: If you want to approach, and take a quick look up here, I'll show you what we are looking at.

So we are concerned with is from there to there. And then it looks like it's exceeding that. Again, we have not conducted a field inspection, but based on the actual plans, so we will have to go out and visually inspect it. And if you can mark the end, the terminus of it.

MR. JUST: This is the site down here.

TRUSTEE KRUPSKI: Do you need to scroll down a little bit, Liz?

MS. CANTRELL: (Complying).

TRUSTEE GOLDSMITH: So if you look at the plans, it's got the original one, that smaller square-looking one. And then with the proposed addition to it, you can see the addition now sticks out, I don't know what that actual distance is.

MR. JUST: It's about eight feet or nine feet.

TRUSTEE GOLDSMITH: Okay. But that is our concern is that it exceeds the neighboring docks.

MR. JUST: You'll have to do a field inspection anyway, correct?

TRUSTEE GOLDSMITH: Yes. Yes. We have to do a field inspection. We just want to make you aware that's our concern now, and when we get to Fishers Island if you can have that staked out so that we actually see it in the field.

But in the meantime, well, is there anyone else here wishing to speak regarding this application?

(No response).

So if it's all right with you, we would like to table this

application until such time we can do a field inspection.

MR. JUST: I have two others right along the same shoreline that are probably coming up at the next meeting, so it's not a hardship at our end.

Just let me know when you want to go out because there is a lot of tide action out there, to stake it.

TRUSTEE GOLDSMITH: Yes, we'll definitely give you have a heads up. Are there any other questions or comments from the Board?

TRUSTEE GILLOOLY: Just that we would not want to see it exceed the pier line so if you can try to pull it back a little bit, that would probably be better.

MR. JUST: I'll take another look at it.

TRUSTEE KRUPSKI: Thank you.

TRUSTEE GOLDSMITH: Hearing no further comments, I'll make a motion to table this application for field inspection and submission of new plans that show a dock that does not exceed the pier line

MR. JUST: Thank you.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 2, Michael Kimack on behalf of **SOUTHOLD SUNSETS, LLC** requests a Wetland Permit and a Coastal Erosion Permit for the as-built above ground 500 gallon propane tank (30"x8', 20sq.ft.); as-built raised wood platform for AC unit and electrical for I/A system (3'x9', 27sq.ft.) on east side of dwelling; as-built on grade dry laid slate patio and walkway on north and east sides of dwelling (±677sq.ft.); as-built partial concrete walkway with added dry laid slate walkway with landing (±100sq.ft.) along west side of dwelling; as-built Belgian block surround for gravel driveway (±140 linear feet) along south and east sides of dwelling; as-built gravel driveway (±635sq.ft.) along south side of dwelling; as-built outdoor shower with 4'x4' wood floor (16sq.ft.) adjacent to east side of main staircase against deck surround; remove existing much surrounding planted vegetation; remove existing fire pit; 8'x12.2' (97.6sq.ft.) shed has been removed and not replaced; wood walkway along portion of easterly side of dwelling has been removed and not replaced; and to expand approved area of planting American Beach grass to cover all additional areas approved @ 18" on center.

Located: 4200 Kenney's Road, Southold. SCTM# 1000-54-4-3

The Trustees most recently did a field inspection of the site on April 5th and noted that it should be non-disturbance seaward of the house with stipulation of access to IA for maintenance; four-foot wide path to match either side of the house; eliminating shower patio, et cetera.

The LWRP found this to be inconsistent. The inconsistency is due to the fact that the as-built structures were constructed without Board of Trustees review or permit. The removal of features and restorations of area further Policies 4 and 6.

The Conservation Advisory Council also did not support the application.

The Conservation Advisory Council did not support the application: The entire slate patio and concrete walkway should be removed, and the primary dunes should be vegetated with native vegetation. It should also be noted that there are a number of e-mail submissions and letter submissions in the file. They have all been reviewed by the Board and submitted to the public record, all basically stating that the applicant built past what was expected to be done, and without a permit. And again, the patio and walkways.

Is there anyone here wishing to speak regarding this application?

MR. KIMACK: Michael Kimack, on behalf of the applicant. I have not been with you at the last one you went but I was with you at the prior one, and obviously the as-built situation was the same when we visited the together.

As to the discussion we had at this particular time, your concern, at that particular time, as I recall it, was the extent of the American beach grass as to how much of it needed to be replaced. Essentially like that. And the discussion in terms of how much we needed to cut back on the patio in order to bring into a better conformance. Before you, if you have a chance to look at the plans that I recently submitted to you, this is an accurate depiction of exactly what had been a non-disturbance area. The non-disturbance buffer in the undisturbed grass area was, as it was originally, had not been touched, for the most part, it had been kind of cut triangularly across the property on that one side.

It was hard, because when I looked at it at first I thought it was kind of squared off, and when I actually looked at the survey and it triangulated down. So we are dealing with a much smaller area that had to be revegetated.

I believe the overall concern was this particular one we did cut the half-moon circle off the front of the patio that we had the discussion onsite. And more importantly, we removed the fire pit, essentially like that. We removed the compost as had been recommended and suggested also. And I did take a look at your field notes, and basically it's, in discussion that we had was that we were going to try to preserve the entire area of beach grass, and your field notes basically said from the front of the house. But that was not what our discussion was. So I moved it. If you can read my notes, basically, it pretty much elucidates exactly what was on there. I put the four-foot path on here down to the nitrogen reduction unit, as had been suggested on the field notes. But I also indicated that I move the undisturbed area to the back of the house, which was much more appropriate. Because that's really what we had discussed originally onsite. Not from the front of the house, but from the back of the house. And except for that area where the four-foot and the area around the aboveground propane tank,

everything else going to be undisturbed and away from that area.

It was specific, and of course the as-built for the, you know, for the raised area for the air-conditioning units, for the walkways, essentially like that. And we talked about that onsite.

TRUSTEE KRUPSKI: Thank you. So one of the things that we noticed from these plans is it does appear that the non-disturbance buffer is just that area seaward of the house continuing down the property.

I think what the Board is looking for was to pull that line all the way back in to encompass the whole dune next to the house.

MR. KIMACK: That's what we did.

TRUSTEE KRUPSKI: The plans that I have received April 7th, to me, it doesn't totally show a non-disturbance buffer encompassing that. It just shows a squared-off area.

MR. KIMACK: You have to read the note, Nick.

TRUSTEE KRUPSKI: Right, but, I think we want to see, you know, that non-disturbance buffer, when you planted the plants is very apparent, and I think we just want to see that graphic continue through the whole set of plans.

MR. KIMACK: Well, this area, that is indicated here, the perimeter of proposed beach grass plantings, planting area remains consistent, removal of compost, beachgrass and planted area seaward of landward of the back of house. And the undisturbed grass area to remain non-disturbed except for a four-foot wide path for service of the IA system and the immediate area around the above-ground propane tank.

I'm not sure how much clarification I need to add to that.

TRUSTEE KRUPSKI: I mean, the rest the of the Board, if they disagree with me, can chime in, but when you read these plans, granted it does say that in the notes, but it's very unclear, without looking at the notes and just referencing the plan, it looks like the non-disturbance zone is just on the seaward-most limit of the property. And maybe normally I would be open to a note of that, but it seems that your client has an issue listening to the direct actions of the Board, so I think we should really have a clear set of plans before proceeding.

MR. KIMACK: I'm not sure I understand exactly what you are looking for. Because my understanding when we looked at it was that we were going, I was going to present to you the areas upon which we were going to do the American beach grass, which would be a bit in the undisturbed area. Now that's pretty much what the area around that whole thing is elucidated as an undisturbed area. And I'm not quite how much more I could do --

TRUSTEE KRUPSKI: Do you want to approach, sir?

MR. KIMACK: I know you think it's a little confusing, but we talked about leaving this and taking the compost out. So basically this was obviously already planted, as it was laid out by the surveyor, and we basically had this remaining area, which is grass. This area was already grass. We were taking the

rocks out of here. So this area from here all the way up to adjoining this would become non-disturbance.

TRUSTEE KRUPSKI: I think a final plan that shows, you know, the non-disturbance, you have shown planted with, I guess planted areas, right here and here, and this is a non-disturbance buffer. I think what would make this more clear would be if the graphic was the same all the way down to here.

You know, I mean you can put like dashed lines here showing removed compost, but if this graphic was contiguous, I think it would show the whole area is non-disturbance. Because if I don't look, if I'm a contractor and I looked at this plan, to me it says, oh, this is non-disturbance, this has to remove some compost, and then I can do whatever I want over here. I think it's a little confusing.

MR. KIMACK: We disagree, respectfully.

TRUSTEE KRUPSKI: Sure.

MR. KIMACK: But because basically this we didn't want to touch it.

TRUSTEE KRUPSKI: I agree.

MR. KIMACK: And this we were not going to touch, so I would not necessarily join this in with this and try to explain to you

what was already non-disturbance and what we were planting.

TRUSTEE KRUPSKI: Okay, let me try to simplify this. What is planted right here?

MR. KIMACK: That's all American beach grass.

TRUSTEE KRUPSKI: Right now.

MR. KIMACK: Yes.

TRUSTEE KRUPSKI: Okay. And what's planted right here?

MR. KIMACK: American beach grass.

TRUSTEE KRUPSKI: Okay. So why do these two look different? I'm confused.

MR. KIMACK: Because I was using the original surveyor when he made this out.

TRUSTEE KRUPSKI: Right.

MR. KIMACK: This represented the original non-disturbance buffer that had been asked for in the original permit.

TRUSTEE KRUPSKI: Right.

MR. KIMACK: That's why it was laid out by the surveyor, and I left it alone.

TRUSTEE KRUPSKI: Right.

MR. KIMACK: When he made this up, he tracked back to the planting area, I recognized that this whole triangular area was also American beach grass, and we were not going to touch that. That was left undisturbed.

TRUSTEE KRUPSKI: Right. And I can appreciate that. It says "undisturbed grass area." It's just visually it's a little odd, this one, when you go back to the key, at the very least, it shows grass -- or actually this --

MR. KIMACK: This is all the planted area. That's what we are planting.

TRUSTEE PEEPLES: I agree with you.

TRUSTEE KRUPSKI: The plans need to be a little bit improved.

Sorry . I interrupted you.

TRUSTEE PEEPLES: No, I agree with you, with the fact just the way it's labeled. It appears that the non-disturbance is that swath that parallels to the water line. The rest of it, we understand by reading the notes, however just understanding that there had been history with this project, it's important to be as clear as possible from our perspective and from your perspective as well. .

MR. KIMACK: I thought I was.

TRUSTEE GOLDSMITH: We want it to look like it does on the screen there.

TRUSTEE KRUPSKI: A contiguous area, basically.

MR. KIMACK: All right. Well, in a sense what you want to me to do is say non-disturbance with the whole thing, and somehow represent within the non-disturbance the area we are planting? Because I have to.

TRUSTEE PEEPLES: Just from my perspective, I feel like by making the whole area non-disturbance, after the planting has been done of the American beach grass, there would be no need to kind of delineate any of the areas because it's basically the entire property with the exception of the location of the propane tanks, the IA access and the path to the IA.

MR. KIMACK: Well, I'll make a suggestion. I'll take this, basically, I'll take off this line from the original non-disturbance of this and bring it all the way back to here, and say American beach grass non-disturbance.

TRUSTEE KRUPSKI: That would be perfect.

MR. KIMACK: But I won't say anything in there where we are planting, just American beach grass, non-disturbance. On the assumption that those areas don't have beach grass.

TRUSTEE KRUPSKI: Right. Well, that's in the description. And then you can do a call out saying to be planted with American beach twelve-inches on center.

MR. KIMACK: Okay.

TRUSTEE PEEPLES: And the plan currently says 18 inches, so I think that's a request to change it to 12-inches on center.

MR. KIMACK: American beach grass spreads eight to 12. It really doesn't matter. It inter-fills pretty quickly.

All right, anything else?

TRUSTEE KRUPSKI: Um, so --

MR. KIMACK: While we're at it?

TRUSTEE KRUPSKI: I think between the LWRP and the Conservation Advisory Council, the Board, and the comments from the local concerned citizens, the Board would like to see a little bit less intrusive solid-structured walkway and would like see that patio removed and replanted.

MR. KIMACK: The entire patio?

TRUSTEE KRUPSKI: That's correct.

I think we have comments from the Conservation Advisory Council, if you want to return back to the podium.

MR. STEIN: John Stein, from the Conservation Advisory Council.

May I just approach?

Just the discrepancy with the solid patio. If he's only taking this spot, he's only taking this semi-circle or swath over, I was just a little more concerned with the entire, the LWRP is that this is what we called that for the last three years on it. And I've seen the fire pit and everything else. But that was our main concern. Because this little half-moon sliver is not going to cut it for that. This would never be approved. And it's not permeable. It's 16x32 slates. All right? Thank you.

TRUSTEE KRUPSKI: Thank you.

MR. KIMACK: I will point out, basically, this gets, you have to basically look at what was approved originally, which was in terms of what the original approval was of the plans. Those two walkways were part of the original approval, and there was at one time a wooden deck in the front that was part of the original approval, with leaving the shed on that one side. And the wood walkway on the one side. And then the approval of an area, primarily, which pretty much is the area that, to replace the American beach grass, that was the stamped plan by the Board. So I can superimpose that over the plan to show you what we already have approved.

TRUSTEE KRUPSKI: Unfortunately, we have to look at what was built, not what was approved. Because what was approved was not built.

So in discussions with your client, he seemed pretty open to making a less-hardened and impervious walkway also.

MR. KIMACK: Well, the walkways right now, there is no concrete. They are all on crushed bluestone, or --

TRUSTEE KRUPSKI: Which, I mean, we know they are still not pervious, though. We don't have to go back and forth on that. That's fine.

Is there anyone else here that wishes to speak to the application? (Negative response).

Or any additional comments from the Board?

(Negative response).

Do you wish to proceed with the application tonight or do you wish to speak with your client?

MR. KIMACK: Well, obviously based upon what the Board has already said, we have to make some changes to the plans anyway. And I'm not quite sure about the other concern that you have. I'm going to have to go back and look at the original, the original landscape plan that was approved by this Board and superimpose that over. Because the walkways were part of it, on both sides of the house.

TRUSTEE KRUPSKI: Okay.

TRUSTEE PEEPLES: I would like to make one note about the shower, it seems like there was a shower that was there and there's, it's a little bit of concern about the water -- a shower was built and a little concern about the water that would come off of the shower and although there might be drainage, just that

that might have an impact as well.

MR. KIMACK: Well, it's all sand. It would go straight down.

It's just a four foot -- a 3'x3' wood base on it. It would just go down in the ground.

TRUSTEE PEEPLES: But it is on the seaward side of the house.

MR. KIMACK: True, but the entire house is in CEHA anyway. There is probably, in a sense, the argument would be you couldn't put it anywhere without being in CEHA anyway.

TRUSTEE KRUPSKI: Agreed.

MR. KIMACK: So I'll ask to retake so I can go back and look at it.

TRUSTEE KRUPSKI: Thank you. All right, hearing no further comments, I make a motion to table the application for submission of new plans.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 3, Patricia Moore, Esq. on behalf of **LEVENT TEMIZ** requests a Wetland Permit and a Coastal Erosion Permit for the existing (2,317sq.ft.) Two-story dwelling with attached garage and to construct a new 155sq.ft. addition onto the center of the dwelling on the seaward side with a second-floor terrace above; for the existing 11.4'x4.1' storage room under existing stairs on west side of dwelling; existing 927sq.ft. swimming pool; for the existing 90' of pool fencing along seaward side of deck, 75' along east side, and 75' along west side with 15' to the dwelling with gates; existing decking around and seaward of pool is in part above grade and at grade and is to be modified by resurfacing the 830sq.ft. seaward portion of decking with existing structure to remain undisturbed, and existing portion of deck around pool is being replaced with a 2,302 stone patio on granular base and permeable joints on grade which includes a 4' expansion on the west side of patio; expand existing 81sq.ft. Wood deck on westerly side of dwelling an additional 195sq.ft. for a total 276sq.ft. and install a 7'10"x9'2" hot tub on deck; resurface existing 42sq.ft. easterly side deck; and for the existing 70sq.ft. landing leading to 4'x20' stairs to beach.

Located: 57305 County Road 48, Greenport. SCTM# 1000-44-2-3

The LWRP found this to be inconsistent. The inconsistency is portions of the wood deck and wood bench to be resurfaced are located seaward of the Coastal Erosion Hazard Line. The construction of non-moveable structures or placement of major non-moveable additions to an existing structure is prohibited in the structural hazard area.

The Conservation Advisory Council resolved to not support the application because a portion of the deck is located within the Coastal Erosion Hazard Area. The beach stairs should have removable, retractable stairs at the base, and the Conservation Advisory Council questions the maintenance of the deck being exempt from CEHA.

The Trustees conducted a field inspection April 5th, noting that further review at work session. We met with Ms. Moore in the field.

Is there anyone here wishing to speak regarding this application?

MS. MOORE: Yes. Good evening. Patricia Moore on behalf of the Temiz family. I am going to go through my presentation and I have the exhibits but rather than run back and forth, if you wouldn't mind, I'll just do my presentation and I'll refer to the particular exhibits that I have. And then I'll give them to you for your file. Most of them have already been submitted but I want to make sure that we have an accurate record.

So I'll begin with all the structures that are existing and have a validly issued, legally enforceable certificate of occupancy. I'm going to refer you to CO number 14494 for additions and alterations for the house which were issued back on June 9th of 1986. And the CO 14495 for the pool and decks which were issued June 9th of 1986 also.

No department or board has legal authority to revoke, amend or modify a C of O for structures for which the CO was issued. The property owner has a protected property interest in the building permit or CO when the permit is legally issued.

The owner has made improvements in accordance with the permit and relied on the permit. Revocation of or demand to remove a pre-existing structure is a violation of the law, and I have cited two cases and I'll provide those to the Board. I'll give this outline also to the Board just so that you'll have it.

As to this project, the applicant lists all the existing structures to bring all the structures into compliance with the Town Code 275. The plans that are filed, of the plans that were filed, and you have a set of plans, I have another set here if you need, the additional square footage details provided on the March 8th, 2022 site plan. The existing house, that application or that portion of the application, is to enclose a portion of a roofed-over enclosure within the footprint of the existing building for the entertainment room.

Typically, that type, that portion of the project is exempt from needing a Trustees permit under 275-4(j). Also, there is a proposed new deck that is adjacent to the house which is 195 square-feet next to the house with the proposed 7'10"x9'2" hot tub, which is all together 66 feet from the top of the bank. Again, under 275-5(b) it would be an administrative permit, one, because the small deck addition and the hot tub, which would be more than 50 feet, that is 66 feet from the top of the bank, so 275-5(b)(e) and (l), which includes the deck.

So that is the existing house with what is the modification next to the house.

We then get to the replacing the existing decking on-grade with stone patio and sand, which is typically considered a non-turf area in some instances, to satisfy the Zoning Board and the reduction of lot coverage, replacing the existing

structures, which is the deck, has no impact on the wetlands.

The pool has a C of O, which we are not asking to do anything to. It's there.

Finally, the existing deck on the north side of the property, which I think has been the issue, happens to be partially in the CEHA area. This deck has a CO and has withstood every storm for the last 35 years.

In review of the available County of Suffolk aerials of this property and specifically the shoreline, the shoreline has not changed. And I'll give you the aerials that are available from 2001 to 2020. This is primarily due to the two jetties which protect this property.

The property has the two significant jetties, one on the east and one on the west, and the property is absolutely stable and has been protected, as I said, for the past 35 years, since the improvements were issued permits.

You had a question at the site inspection regarding drainage. The plans do show the existing permeable drainage bed with plants and proposed new French drain connected to the drywell.

So on the plans, the patio, again, replacing the existing deck, will have drainage.

The deck on the north end within the CEHA includes the pool fence and again has a C of O.

Under the Coastal Erosion Law, a pre-existing structure is allowed to be maintained. "Maintenance" is defined as periodic replacement or repair of same components or protective coatings which do not change the size, design or function of the structure.

There is no impact on wetlands, no matter if the wetlands are defined as the tidal waters here on Long Island Sound, a natural bank, which was planted 30 years ago by my client, and maintains a very healthy bank along what would be, is a relatively low bluff, low bank.

When reviewing the LWRP, the ZBA found the LWRP consistent. And fortunately the LWRP report does acknowledge that and it's part of your record.

The reduction of the lot coverage under the Town of Southold Zoning Law brought this application into consistency with the LWRP.

The inconsistency determination for the northerly wood deck and bench and pool fence, which states the applicable LWRP policy is to minimize losses of human life and structures from flooding and erosion hazard. But that policy recommendation is controverted by the facts. Again, looking at the aerial between 2001 and 2022, you will see no impact, no change, to the shoreline, the beach and the vegetation.

The existing structure remains to this day in the same size/condition as when it was constructed 36 years ago. The parcel is protected by those substantial jetties on the east and west, and the structure is protected from regulatory inverse

condemnation by case law and statute.

We ask that the Board grant the Wetland permit and Coastal Erosion permit as requested. And so I'm going to give you for your file the COs with the attached decking design because I know there was some confusion, but it is part of the Building Department records that this matches what was actually constructed in this part of this CO.

I have the two cases that are referred to in my outline. There are more but these are the two that were easily obtained. And if you need, I have the plans here which I highlighted the drainage just in case you couldn't see it on the original plans, because it is somewhat light. There's drywells. The French drain is connected to these drywells, that is, I highlighted with yellow just to make sure you could see it. And then finally the aerial I'll provide to you. And then we can talk.
TRUSTEE GOLDSMITH: Is there anyone else here wishing to speak regarding this application?

(Negative response).

Any questions or comment from the Board?

TRUSTEE KRUPSKI: So I mean, there's a number of issues which we've discussed with you in the field. Certainly I would like to take the time to review what you have submitted to us, and maybe process this. So I don't want to be premature with my comments at the moment, but, you know, as you know, the Board is looking for the best interest of the Town. Pulling large structures back away from the wetlands is just obviously our intention.

This is a situation where your applicant is applying to redo a large portion of a contiguous structure, and it just makes sense environmentally to reduce the size of the structure. That is just my personal opinion. Regardless of C of O's that may have been issued. Oh, and one other question I had. The portion of the deck that is in Coastal Erosion and therefore, I mean this Board couldn't even vote for, because of the size of it. It has a C of O. Does it have a Trustee or Coastal Erosion permit or anything like that?

MS. MOORE: All of you, and you know, from the record, it predates the Wetland and Coastal Erosion. It doesn't mean that it's not legal. So, just keep that in mind.

TRUSTEE KRUPSKI: Sure. Do you want to review the material or save that for a later date?

TRUSTEE GOLDSMITH: I think with the amount that you gave us, we do not have time to sufficiently review it at this time. So if there is no one else here wishing to speak regarding this application, I'll make a motion to table this so we can review all the new information that you just submitted.

MS. MOORE: Well, I mean it's actually information that I have given you already and discussed with you and was prepared to discuss further. But that's fine, I mean certainly you are, you should review everything. Keeping in mind that just making sure you understand the facts. The existing decking on-grade has

Zoning Board approval. It took us eight months to wait for the Zoning Board to issue that approval. And it got an LWRP consistency determination. That is what the Board reviewed. And the Town's best interest was to remove decking and replace it with patio. So that part of the project, I think, what I gather is that your issue is with the portion of the deck that I have actually said we are not doing anything to it. We are maintaining it. That's it. So if a board needs to be replaced, over 35 years that has been probably under Coastal Erosion, that is a permissible function. It doesn't mean anything. It's in fine shape now.

So what I had suggested as a possibility, and I mentioned this to the client, because I have done it in the past and, not with this Board but with prior Boards, which is when the Board has a pre-existing nonconforming structure which is, that's the situation we have here, because it's over the coastal erosion line, we take it out of the application so that in the event that there is a loss of the structure through storm, we need a permit to replace that end of, that portion of the structure. I have seen it also done by way of a resolution of the Board that says we'll approve the structure, however if it is, if it needs to be replaced, it has to be with a permit. So it keeps the offending -- I want to say offending structure, it's not really offensive to anybody other than just a policy issue -- keeps it within your jurisdiction so that, you know, again, we don't know, a storm could come, in take everything away, and at that point, you know, the client doesn't have it. So it's gone. And we can then address the circumstances as they exist at the time.

But for 35 years it's been there and it's a very stable piece of property. Particularly --

MS. HULSE: Pat, to clarify one thing you misstated, and I know what you are talking about in terms of normal maintenance under Coastal Erosion, under 111, but you need to have a permitted structure to have maintenance under the Wetlands permit. So you can't just replace without having it permitted.

MS. MOORE: Wetland ordinance. Not the Coastal Erosion. Remember, under Coastal Erosion --

MS. HULSE: That's what I just said. No -- you said it generally. I know, general maintenance under 111. I get that. But I'm saying, it has to be a permitted structure if you are going to do maintenance on it. Under 275.

MS. MOORE: Yes. Yes.

MS. HULSE: You did not say that.

MS. MOORE: Oh, I apologize. We have two permits.

MS. HULSE: I get it. That's why I'm trying to clarify.

MS. MOORE: Yes, we are all in agreement. You are correct.

That's why I'm trying to bring it in under the umbrella of a Wetland permit and Coastal Erosion permit so that, so everything is legal under the current regulations.

MS. HULSE: I want to clarify again, what you said was that you could take away a board, put a board back, you can do normal

maintenance. And that is true under 111. It is not true unless a structure is permitted under 275. So I just want to make that clarification for the record.

MS. MOORE: Yes, I understand.

TRUSTEE KRUPSKI: Just to clarify then, if we were to cut that portion out of this application as you suggested, then your client would not be able to touch the structure or do anything on it whatsoever, including replace a board or a nail.

MS. MOORE: The plan is it's going to be painted and it's going to stay in place. I mean --

TRUSTEE KRUPSKI: Thank you, for clarifying.

MS. MOORE: It's consistently -- I don't want to use the word maintained. I'm using wrong terminology. The elements have not deteriorated the structure over the years. So it's been pretty stable.

TRUSTEE GOLDSMITH: Just one more point of clarification. You kept mentioning the consistent from the LWRP, from the ZBA. So just we are all aware, it's inconsistent for the one that we received. So that LWRP report that we have for this particular application is inconsistent.

MS. MOORE: Correct. However I'm making a point that there is more to this project than just that deck. There is a lot -- the rest of the project, which the Zoning Board did review because it was part of the application, was deemed consistent. Because we went through, we submitted to the Zoning Board the, as I said, replacement or reduction of lot coverage, in order to meet consistency to the Zoning Board and LWRP.

So we get two bites -- the LWRP gets two bites of the apple always. They, you know, we address the issues in one Board and then LWRP comes back and says well it's not enough, we want you under this Board's jurisdiction to do X,Y,Z more.

TRUSTEE GILLOOLY: To clarify, it's a different process for each Board. It's a different set of issues that the LWRP is looking at for each Board. So it's irrelevant what the LWRP ruled for the ZBA, for this purpose, for what we are talking about here today.

MS. MOORE: Okay, I would point you to the environmental factors that this Board is reviewing and the facts on the ground in the particular property. There are no environmental impacts as have been evidenced by 35 years of a very stable bank and a very stable beach, and everything has remained the same.

So, environmentally, it does not cause environmental damage. And as far as the zoning standards go, as far as character of the neighborhood, impact on the environment, is one of the factors the Zoning Board does consider, it was found that what we are doing was reducing the impact rather than maximizing the impact.

TRUSTEE SEPENOSKI: Your point is taken, and I think we would all like to have the opportunity to review the materials you have provided to us.

TRUSTEE KRUPSKI: Just what representation are you making that

this has no environmental impact? Is that from your background or is that from aerial?

MS. MOORE: From the facts on the ground, the aerial, the shoreline has not changed in 35 years.

TRUSTEE KRUPSKI: That's not speaking to the environmental impact of the deck necessarily. That's one point.

MS. MOORE: The grade of the property is all pitching toward the house and has drainage that has been --

TRUSTEE KRUPSKI: Okay, that's another singular point. I mean, maybe we should have an environmental analyst look at it then.

MS. MOORE: That is within your purview, so. I think if you are trying to punish people that are trying to preserve their COs, you have the ability. So.

MS. HULSE: That is actually inappropriate for you to say. I really think that is inappropriate for you to say. I understand you are advocating for your client. You are interrupting the Trustees as they are speaking. They are trying to ask questions to guide them to a decision on this, and instead of making statements specific to your application, you are making general statements, and now you are trying to offend the Trustees, which I'm not understanding why you would want to do that.

In any event, the LWRP has pointed out things that they deem are inconsistent. That's their right. Trustee Gillooly has pointed out that they do a different review than ZBA. Their review came back inconsistent. So obviously they do see some environmental concerns. At this point, since the Trustees are choosing to table this to review further what you have just submitted tonight, the arguments that have been heard by you with the Trustees, I think at this point you might want to table it.

TRUSTEE GOLDSMITH: I'll make a motion to table this application.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

MS. MOORE: Thank you.

WETLAND PERMITS:

TRUSTEE SEPENOSKI: Number 1, Patricia Moore, Esq. on behalf of **JOHN COSENZA** requests a Wetland Permit to establish and perpetually maintain a Non-Disturbance area seaward of the top of bluff with existing vegetation to remain natural with selective hand pruning in order to maintain view shed; establish and perpetually maintain a 10' wide Non-Turf Buffer at top of bluff planted with ground cover with a mix of native grasses and native species; remove existing flagpole; remove existing 4'1" high stone retaining wall to allow natural slopes to be regraded and place 2'x3' natural boulders stacked to maintain natural grade; install new 6" high by 7' wide natural split face bluestone slabs placed at grade for steps (two steps 7'6"x6"), and following the natural grade; regrade to establish natural slopes; curbs along natural grade, each curb 1' high split face

bluestone curb and 4" wide with 6" steps embedded in the slope, 5 curbs in total, each curb along elevation 79 is 6 linear feet, curb at elevation 78 is 24 linear feet, curb at elevation 77 is 34 linear feet, curb at elevation 76 is 42 linear feet, and lowest curb at elevation 75 is 24 linear feet; 10' and 50 linear feet of existing section of retaining wall along easterly property line to be repaired, alternating flag stone steps (3'x3') and 3'x6' (26 steps in total); regrade east side yard of property for placement of pathway with 3'x3' flagstone pavers and 3'x6', 26 pavers stone pavers set into the slope and level with the retaining wall (grade rising from elevation 66 to elevation 72 on north); plant slope with new native species along east side of property; along west side of property plant native trees and vegetation to thicken existing vegetation, 26 stone pavers walkway (3'x3' stones) to existing beach access; at 70' from top of bluff replace existing terrace and expand existing stone terrace (total size 700sq.ft.); and repair existing concrete block wall on west side of property line; in front yard install a new gravel parking area with Belgian block curb to match driveway.

Located: 1700 Hyatt Road, Southold. SCTM# 1000-50-1-5

MS. MOORE: Thank you. I thought my landscaper might make it. He's coming from another meeting. So he might show up. If not, I have his plans.

TRUSTEE SEPENOSKI: I have to read a few things into the record.

MS. MOORE: Okay. Sorry.

TRUSTEE SEPENOSKI: The LWRP reviewed the project application and found the action inconsistent with Policy 6.3, and therefore it is inconsistent with the LWRP.

The inconsistency stems from three points: The ten-foot wide non-disturbance buffer established in a 2012 Wetland Permit 7737(a), has been cleared. Planting area with irrigation-dependent fertilized species is counter-productive to the benefits of a non-disturbance buffer.

Point two, the proposal to create a non-disturbance area seaward of the top of bluff with existing vegetation to remain natural, with selective hand pruning in order to maintain viewshed is contradictory. The area is already protected by Board jurisdiction. Hand trimming would be defined as a disturbance.

Point three is put in the form of a question on the process of selective tolerance. Drought tolerant species are recommended.

The Conservation Advisory Council resolved not to support the application of John Cosenza for the landscape plan. This action was on April 6th, 2022. The Conservation Advisory Council does not support the application of the as-built structures. There is an extreme concern with recent removal of trees within 15 feet from the top of the bluff. Tree removal has destabilized the bluff and this entire area should be replanted with the same diameter trees.

The Board of Trustees most recently visited the property on April 5th, 2022, in the morning. The notes read: Check for existing violation. Trustees looking for larger non-turf and non-disturbance buffers; detailed planting plan needing drainage and grading for patio should be defined. And we've received plans stamped February 23rd, 2022. And we have new plans, April 13th, 2022.

Is there anyone here who wishes to speak regarding this application?

MS. MOORE: Yes. Good evening, Patricia Moore on behalf of the Cosenza family.

I brought up a plan that, based on the comments of the Board, we have increased the area of the vegetated buffer to where, at least from visuals with the Board, to where the flagpole is located. So when it's mapped, you can see that it's a significant, the original -- the original non-turf buffer is ten feet from the top of the bluff. I just would correct what the LWRP, he wrote "non-disturbance" but it was actually a ten-foot non-turf buffer. And I have a copy of the resolution and the permit from the Trustees back in 2012. And it was the actual, the permit had been 2012, by the prior owner to trim trees and plant native vegetation within the area seaward of the top of the bluff as needed in order to maintain the present view of Long Island Sound. And then the Board approved that, but also to install a ten-foot non-turf buffer. What is up there is pretty much non-turf. It's weeds, but it doesn't grow very well. And what we are proposing, we had a professional landscape architect review the property and give the recommendation of the plantings. I verified with him, if he shows up he can say it himself, but I verified with him that that all the plants that are proposed are in fact native, drought-tolerant species that have been proposed. That's all he has proposed here. So everything would be the typical Board's recommendation.

I was asked about trees, and on this particular plan has a left-hand list of plants and on the right-hand list of plants. There's two columns. The column on the right are trees. So there is a variety of different trees of different sizes, and it was for filling in the areas that are actually deer eaten. Some of the trees are somewhat high, some of the evergreens that border the property on the west side, you can see that there are, the pine trees have grown many years, so they are pretty bald on the bottom and have high canopies. So the plan is that would be filled in with different tree species and evergreen species just to fill in those gaps.

When we were at the site, the cherry trees, they were mostly cherry trees that had been cut, and I would again point to this permit of 2012, and unfortunately my client bought the property in 2021, March of 2021. He was under the impression that this permit was still a valid permit. Not, you know, people just don't understand without asking, that permits don't

run with the land. Unlike a C of O that runs with the land, the Wetland permit process requires, again, review by this Board. And the transfer, he got a violation. We are in court over the violation. And the resolution of the violation will be when we complete this permitting process.

TRUSTEE GILLOOLY: For point of clarity, did you say there was a permit for hand trimming?

MS. MOORE: Yes.

TRUSTEE GILLOOLY: So then what was done here was clearly not hand trimming; is that correct?

MS. MOORE: To be honest with you, probably a chain saw was used. He hired somebody and they didn't acknowledge it was excessively done.

TRUSTEE KRUPSKI: They used their hand to hold the chain saw.

MS. MOORE: There is no excuse and I will not come up with excuses. However, I'll just tell you that's what was issued in the past. But in the time that has lapsed, you can see a significant growth of those trees.

So to the extent the trees were alive, and are alive, they are regenerating very nicely. So you don't really want to touch them anymore, you want to let them regenerate. They are coming in thicker than they originally started. They now have lots of growth, whereas I don't know what they looked like before. But in any case --

TRUSTEE KRUPSKI: Right there. We pulled that picture up for you.

MS. MOORE: When was that picture taken?

TRUSTEE SEPENOSKI: It's associated with a 2016 permit.

MS. MOORE: '16 or '12?

TRUSTEE SEPENOSKI: The '16 permit was discussing some hand trimming, removing and cutting to stump.

MS. MOORE: I'm sorry, I have it on 2012. So.

TRUSTEE SEPENOSKI: This is correspondence between Mr. Leudesdorf the former owner, and the Trustees.

MS. MOORE: I'm not sure -- I saw some correspondence, it was a little confusing, so maybe he was asking to trim again? All I can tell you is --

TRUSTEE GILLOOLY: Your question was when were those photos taken, right? That was 2016.

MS. MOORE: Okay. So anyway, those trees are growing back, we have probably --

TRUSTEE SEPENOSKI: The trees that were --

MS. MOORE: I'm sorry, my daughter is trying to reach me I'm trying to cut her off.

TRUSTEE SEPENOSKI: That's all right. As Trustees, we review not only applications before us but the permit history of these applications as well. And I appreciate your thoroughness and I appreciate that you do the same. It's clear through my review of these permits that there was a special amount of care taken to preserve the trees that were on, not only the face of the bluff, but also the point of inflection where the top of the bluff continues to rise progressing back down toward the house.

And Mr. Bredemeyer, a former Trustee, advised the former owner to flag trees to be removed to one color, trees to be pruned in a second color. They did that. They did their trimming. And the picture there would show if it were better quality, but those were all flagged for different kind of trimming to maintain the viewshed that you claim your client wants to preserve.

MS. MOORE: To maintain.

TRUSTEE SEPENOSKI: To maintain. The point is, the viewshed that the former owner was permitted to maintain is not the same viewshed that your current applicant wants to maintain. One is vegetated trees, different species. The other is a clearcut bank and then an almost-denuded bluff.

So, that point should be made clear here. We have different kinds of views. I like the fact that you've submitted new plans with extensive plantings of different kinds of drought-tolerant species that will likely thrive in the area. My primary concern is with all of the slope from the flagpole essentially seaward -- MS. MOORE: Landward.

TRUSTEE SEPENOSKI: Well, where it pitches seaward. That's kind of the point of inflection where any kind of rain runoff or erosion is likely to take place where the top of that one inflection is seaward onto the bluff face.

Speaking as one Trustee, and I welcome the other Trustees to contradict or support or comment on my feelings on this matter, I would like to see a re-vegetation in something along the lines of what you presented to us here. And then it should remain a non-disturbance buffer from that point of inflection, roughly the location of the flagpole seaward.

Now, my, I should say, this was clearcut and now the client wishes to do significant earth work landward of the flagpole line toward the house, which includes terracing, which includes the extension of a patio where the current lawn exists, and extension of the lawn further seaward beyond the retaining wall. Retaining wall would be changed as well, boulders brought in.

I think that I suggest your conversation with the client center on whether they want lawn or they want that stone patio. Further seaward of that area, where the lawn is, the current patio is proposed, I'm open to suggestions about a garden of some kind, ten feet in depth, flowers, planted and maintained. But further seaward of that point of inflection I would like to see that non-disturbance buffer and planted with natives.

Is that clear? Does my recommendation make sense?

MS. MOORE: I'm listening but I'm not sure if I'm 100% understanding. Just so that I can relay it properly. I understand what you said about --

TRUSTEE SEPENOSKI: The plan is too ambitious, is what I'm alluding to.

MS. MOORE: Okay, in fact, I mean, it looks very busy, but the whole purpose of this is actually to eliminate the delineation of that retaining wall that is like three feet above grade,

where the backyard is right now, and create a more natural, almost like the same bank that you have going towards the bluff that is going to be vegetated. A similar soft bank to the backyard so that it is, and the reason that they created these retaining walls, they really are only, what did I say, a few inches in height, is to create kind of plateaus. So it's a plateau where you want to create a non-disturbance at that level, being the high point, because the whole property is a mound. And then the house is kind of built into the, I would say the lower midpoint of the whole grade of the property from the street to the Sound. So they are trying to in fact create a more natural property.

TRUSTEE SEPENOSKI: Well, this is my, as someone who cares about what words mean, "natural" doesn't work in this location. The word "natural" is landscaped. You want to landscape the area seaward of the house and change it, terrace it, permanently in its natural state -- well, formerly natural, because it was clearcut. And naturalizing it by regrading it, those are contradictions in terms.

MS. MOORE: Well, if you look back at the survey that you have in your files, the original plan and the way that this property has been done is with that retaining wall that was done at some point in time as like a landscape feature. Because the ten-foot non-turf buffer was running right along the edge of the top of the bluff, almost, what is it, if I read the numbers correctly, about 70 feet from where the house is.

So it was actually all, it was no planned landscaping anything. With prior Board and other approvals, it was undefined. The way it's developed is with kind of, as you say, more natural, because nobody maintained it, but it had been grass above, on the seaward side of that retaining wall. You can see the grass is just weedy now. There is really not much grass there. The lawn right next to the house has been consistently kept as a lawn.

So I mean his ambition was to remove that retaining wall but what you are saying is, no, keep the retaining wall so that you keep the area seaward of that retaining wall, I want to say natural with vegetation.

TRUSTEE SEPENOSKI: Now you are catching my drift.

MS. MOORE: I'm trying to interpret it so I can relay it properly

TRUSTEE SEPENOSKI: The retaining wall as currently exists is a nice boundary line, it delineates clearly what is sort of a living space, effectively an outdoor living space, from what should be natural and was denaturalized by clearing. So just to recapitulate, so it's --

MS. MOORE: Okay, I'm understanding now what you are saying. Now I understand.

TRUSTEE GOLDSMITH: So basically at the landward edge of your proposed 30-foot non-turf buffer, you want that to be the edge of the non-disturbance buffer. Because looking at these elevations that really is the top of bluff. So between that and

what is currently a retaining wall, make that the vegetated non-turf buffer. So shift everything landwards toward the house and leave everything seaward of that pre-existing retaining wall as is.

MS. MOORE: I'm following your description, yes. I mean we are planting probably, I can't even count how many plants are here proposed in what you want to make as a non-disturbance buffer, until those plants establish themselves, and the way it's being planted is almost like a complete ground cover. So you really won't see the ground beneath it, maybe in the wintertime, but for the most part, the plants will create the vegetative blanket of that area.

Those plants really, they can't be left completely as a non-disturbance. You have to maintain it. You have to water it. You have to establish it. And maybe after five years of growth, then it's really established and there is very little maintenance that has to be done.

So I'm a little concerned about calling that whole area that is being replanted as non-disturbance because it's, the deer, it's going to be --

TRUSTEE SEPENOSKI: The deer are likely to prune it.

MS. MOORE: The deer will prune it, but before that, the condition of the soils and everything may not allow it to regenerate. That's my only concern. There is probably about \$300,000 worth of planting here. When he goes to buy it, he's going to find that out. And you don't want to see it all destroyed because it just can't be maintained. So.

TRUSTEE GOLDSMITH: In the past we have allowed for temporary irrigation until that planting can take root. I think that is something we can definitely consider in this scenario as well.

MS. MOORE: Okay. That landscaper pointed that out to me, oh, I just can't guarantee it's going to live.

So, okay. Okay, I'll go back to the client and relay your recommendations and so, just so I understand. I understand the area seaward of the retaining wall. The area landward of the retaining wall is really kind of useable area for the client, so if he wants to put a patio, whatever he wants to put in there, whatever, you know, that area would be the yard and living area for the family. Am I reading you correctly on that?

TRUSTEE KRUPSKI: I believe we are heading in the right direction.

MS. MOORE: Okay. No commitments. But at least heading in the right direction. All right.

TRUSTEE SEPENOSKI: Is there anyone else here that wishes to speak regarding this application?

(No response).

Hearing no one, I move to table this application.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: Number 2, Michael Kimack on behalf of **VASILIS & CHRISTINE FTHENAKIS** requests a Wetland Permit to demolish and remove existing cottage, foundation, wood deck, and walkway at bluff; demolish and remove existing two-story frame house, foundation and associated structures near Nassau Point Road; construct a new foundation, new one-story dwelling with a 2,476sq.ft. footprint; install an on-grade 684sq.ft. stone and/or brick patio; and to remove six (6) trees of varying calipers.

Located: 6925 Nassau Point Road, Cutchogue. SCTM# 1000-111-15-9

The Trustees most recently reviewed this application on the 5th of April, and noted that the as-built structures are still very close to the bluff. In terms of the over-loading bluff, recommend a larger buffer with no structure.

The LWRP coordinator found this to be consistent, however stated that Policy 4.1, minimize loss of human life and structures from flooding and erosion hazard. Structures should be located as far from the bluff as possible, and vegetated buffer width maximized.

The Conservation Advisory Council resolved not to support the application. The Conservation Advisory Council did not support the application as submitted. There is concern with the destabilization of the bluff and rear setbacks and proximity to top of bluff.

It should be noted that I'm in receipt of new plans dated April 1st, 2022.

Is there anyone here that wishes to speak to the application?
MR. KIMACK: Michael Kimack on behalf of the applicants, who are present this evening.

I would like to revisit prior discussions on this. It's gone through a rather lengthy evolution, basically.

Starting from the concern about the slope itself, I think the overall criteria the Board has to address is whether or not what is being done on top of the bluff is going to cause any considerable damage in the future to the bluff as it now exists, primarily. We do know that there is an existing bank in place. We do know that the existing slope off the bluff is intact, well vegetated, with little or no erosion factors. At the top of the bluff the land for the most part slopes away from the bluff itself. The cottage, which was much more significantly closer to the bluff, is being removed, and as has been discussed in prior, everything was moved back because they wanted to be able to comply with your overall policy that it be no closer to the bluff than the adjoining property, primarily.

So that actually changed, if I remember correctly, the original design, about nine-and-a-half feet back from where it originally was.

One of the corners of the house is 28 feet. You can see the line coming across the house to the north, basically it measures, is much more forward, but the house was the primary facilitator of the line itself of how that was established.

The house basically was narrowed and moved back. The area to the south primarily, is even further back, 28 feet on one side and 30 on the other. The house immediately to the south is 32 feet, basically, from that particular structure.

It is indicative of this area of Nassau Point, if you travel out east, obviously all of you have, that if you take an aerial photography and look up and down Nassau Point, invariably you'll find the large majority of houses that are within the, pretty much the same amount of setback as we are proposing. The reason, for the most part, that it has been pretty much maintained and erosion-free was all of it is bulkheaded. They essentially have a hard toe in place. And without that hard toe, these slopes would have been exposed to the same kind of vulnerability that we've seen in other areas where there is not any hardening of that particular toe of the slope. It would have caused a lot more damage than it initially would. What never quite happened in this particular case. So the house was pushed back, to the extent that obviously the owner was trying to preserve the pool. It's an odd piece of property in a sense because other than the fact it runs down to the bulkhead, when you begin to walk up on it, everything kind of slopes down from the northeast to the southwest, rather steeply, essentially, like that, away from the pool area. So it was really hard to place a house over there. But we believe we've got it back far enough that its location is not going to, because the original house didn't cause any issue with the bluff, and that was about 17 foot closer, the one that the foundation is coming out of. It does meet your setback on both sides in terms of the overall weight that is going to be applied to the bluff. And everything where the house is, if you look at contour lines, everything is sloping back away from the top of the bluff anyway. Starting at roughly the 41 line in the front of the house, and the back of the house goes all the way back to the 30 line. So it's quite a drop off from one corner, from the northeast corner off the house to the southwest corner of the house in terms of grade point on the property. It's a 12-foot variation difference. That makes it a very difficult piece of property to design a house on, to get in place.

We basically, there has been an engineer's report there, I'll point out, on the stabilization of the bluff as it now exists. I think we can agree that that is the issue. I think one of the things of your concern was that cutout, whether it was natural or unnatural, we really don't know. But that little notch that leads to the staircase coming down to the stairs, primarily, and whether that area, because of the placement of the house, is going to somehow contribute to runoff running down and creating an erosion situation that does not now presently exist.

And the newer set of plans, which is March 28th, the new survey, extends the non-disturbance, the buffer, basically, as far up as possible in that one area, primarily, in that

particular zone.

And that was, I know, one of the concerns. The stairs were removed. That came off of the proposed deck area, so that was not in that one area. And the patio that is being replaced is ground level. It's obviously on the same plain as the next door neighbor, which is, the next door neighbor basically has a raised deck. Ours is on-grade. In and of itself, the on-grade patio pretty much takes essentially the same footprint of the existing house that was there prior.

On a personal note, basically, the owners want to retire here. They are presently getting ready to hopefully be able to build and be able to retire and live here and enjoy their home.

Do you have any questions of me?

TRUSTEE KRUPSKI: Thank you, for that. I guess I'll start off by saying I'm a little confused with where we are at this month. You know, I'm not sure exactly at which point they started building houses way too close to the bluff on Nassau Point Road. However, there has been a precedent set, as we stated. And the Trustees have, in most cases, honored the pier line going the opposite way, if there were reasons to.

Now, obviously, it's always better to pull a house further back if you have the property, in a perfect world, especially this section of Nassau Point has plenty of area to pull back.

I for one understood what the applicants were trying to do with the pool, regardless of whether I agreed with it or not. You and your clients pulled the house back to honor the pier line with the neighboring structures, and then my understanding from last month is that the Trustees looked at the deck, but then I heard the patio, on-grade patio, hardened structures, non-permeable structures so close to the edge of the bluff, and said well, you know, we don't like the house location but we understood where it is. However we are going to create a waterfall effect. We don't want to put anymore loading, anymore structure here. The Conservation Advisory Council came across and noted that there should be more buffer and pulling back structures. The LWRP coordinator noted that we should be pulling structures back away from the bluff. Everyone is sort of on the same page. I thought we were with you and your clients also. We tabled the application for new plans, and then I have new plans here that show the existing floor, or proposed large and permeable patio. And then on the new plans stamped received April 1st, I see that it's now planned to be covered.

So we are kind of moving in the wrong direction now and that's what I'm confused about. I don't really understand how we got here 30 days later from where we were headed, which I saw as a very positive direction. And, you know, you mentioned how your client is looking to retire and we heard testimony from the client, and not that the Board can take into account certain things, but they want to smell the salt air and they want to sit and have coffee. And, you know, I don't think you need a patio that size to have coffee. I don't think it necessarily has to be

covered. I think we have been trying to work with your client. We spent a lot of time down here and spent a lot of time talking about this. And I'm just a little confused how we seem to have made a 180 and heading in the wrong direction.

MR. KIMACK: Let's see if we can correct that. First of all, let's break up the two components, basically. The primary house, in and of itself, does meet the setback requirements, at least in terms of the foundation that is on the grade, at least, because when you look at it, it really comes down to the weight factor on the ground in terms of whether or not that at a 45-degree is causing any particular degree of pressure on that slope that may cause the slope greater factor that may cause it to break away.

We are back within in that particular line. I think, what I'm taking from you, was gaining from you, is the concern over the size of the on-grade patio and the fact that it's stone grade. But that could be, the possibility, the patio is in fact right now the primary factor of your concern. We can probably, and I can talk to my clients about that, but it can be made out of a permeable material. There's ways to do that, primarily, that meet the DEC requirements. I have done them where they are at least 40 to 50% permeable. And the DEC has in fact found that to be a permeable thing, where they don't count it towards impermeability, where they do their per cent factor calculation, essentially.

So I think that may be a way to alleviate some of your concerns in terms of whether or not this particular size of the deck, on its permeable base, may cause, since there is not any particular drywell attached to it, per se.

And another way to do it is, what you may be able to do is do a ring around it and do a drywell connected to any water running off the patio so it does not runoff and down into the non-turf buffer area. We have done that before, too.

TRUSTEE GOLDSMITH: Just to echo Trustee Krupski's concerns, I believe last month we had mentioned we would be looking for a minimum 20-foot buffer. So I don't know how we are back to the ten foot.

MR. KIMACK: I think because they are trying get at least some semblance of a deck in front of their house, primarily.

TRUSTEE GOLDSMITH: We are talking about putting a deck in front of the house to preserve the deck around the pool. Because that was the primary concern why we couldn't move the house further landward, was to preserve the pool in its current condition, including the deck. So now we can't move the house back because of the pool deck, but yet we want to put a deck in front of the house. So it seems to me like you have plenty of deck for people sit and have their coffee and smell the salt area.

MR. KIMACK: It is a deck there now, right up against the bluff itself that is coming down. The original deck. Because there was a deck in front of the original footprint of the house that went all the way, I think two or three feet of the top of the

bluff, primarily. So that's coming down. That had been in place for 50, 60, 70 years, whatever like that. And it didn't in itself cause any difficulty for the bluff. So I think the concern I hear from the Board is not that the bluff had been in danger of eroding. The question is the consequences that you consider may be as a result of the new approach, what is being done now, because obviously what had already existed on the site, both on the cottage and the deck itself, had not caused in and of itself, any issues with the top of the bluff or the slope itself.

TRUSTEE KRUPSKI: The Board, to be honest with you, at least my concern, is twofold: Whether it causes damage to the bluff or if the bluff is damaged, and the structure, for lack of a better phrase, rolls into the bay, creating an environmental hazard, public health and safety hazards. I mean, the Board is trying to mitigate multiple factors by pulling structure away from the wetland, which everyone who applies to us, including yourself, are well aware.

I'm not really sure what else you could say. I mean, that bulkhead eventually will fail at the bottom. These are all things that are pretty well known. The bulkheads along Nassau Point have failed before. The Board is just looking out not only for all the people of Southold but also your client's best interest.

MR. KIMACK: Well, hopefully it will not in our lifetime. But then again, bulkheads are bulkheads, primarily. So I think what you are looking at, primarily, is you are somewhat, I think the ten-foot wide buffer falls short of your expectations. Because anything further than that would diminish the amount of the deck itself, primarily.

I think the deck right now, I'm looking at it, is 16-foot wide, basically. I could make a recommendation and discuss with my clients to really try to move forward with this, rather than to have to start over again, that they would like to have some deck in front of the house, obviously. If we were to perhaps consider it to be, take a 16 and cut it back to a 12-foot deck and add four foot, we would have a 14 foot buffer in that area. Would that be something the Board would consider?

TRUSTEE PEEPLES: Mr. Kimack, I would like to just make a clarification. I know we received the new plans that Trustee Krupski, I think they were from April 1st, but I believe, if I'm not correct, that corresponds with the survey on March 29th. I don't believe we received a new survey; is that correct?

MR. KIMACK: I thought you did. This is the one that I got. March 28th.

TRUSTEE KRUPSKI: Right. It's two days after. I don't know that they came in together.

TRUSTEE PEEPLES: Which one is that?

TRUSTEE KRUPSKI: The survey, I think the one I passed you, the 29th. And this is just a day after.

TRUSTEE PEEPLES: But that, if I understand correctly, is only the plans, not the survey. So the survey indicates an

eight-foot covered patio.

MR. KIMACK: That's a second-floor patio. That's a second -- the eight foot is a second-floor deck. That's not ground level. If you take a look at the plans you'll see it's a second floor deck.

TRUSTEE GOLDSMITH: That's the second floor. And this outline will --

(The Trustees and Mr. Kimack are reviewing plans).

MR. KIMACK: This outline is the first-floor patio. You are talking about cutting this back to 12 foot, extending it an extra four foot to give us 14 feet. And this is the second floor. The second floor here.

TRUSTEE KRUPSKI: This is on-grade and then this is the second floor deck.

TRUSTEE PEEPLES: Okay, so I read it as the eight foot, but it actually extends out 16 feet on-grade, at patio, and then --

MR. KIMACK: Yes. Then the eight foot over the top of it, essentially like that. But that is the second floor deck, primarily.

TRUSTEE PEEPLES: I understand. So I think the concern that I personally have is that that additional structure that has been then added to the seaward side of the house with that covered patio.

MR. KIMACK: Well, I think with the consent of my clients, I was offering, perhaps, to cut back the patio to 12 and increase at that particular point to 14 feet for the non-turf in front of it, primarily. The 12-foot working patio is fairly decent. That patio can be set without any concrete on grounded soil, which we have done before.

TRUSTEE PEEPLES: So would you mind clarifying, the covered portion is the new addition on this most recent set of plans; is that correct?

MR. KIMACK: I believe so. I think it was there. I think it was, I think what happened was, I think it was in the architectural drawings, but it was not on the survey.

Yes, take it.

MR. FTHENAKIS: Vasilis Fthenakis. If I may, with my wife Christine own the property in question. Actually it was initially a cantilevered deck five feet. And the architect recommended to have posts because cantilevered actually would be probably too expensive. And we wanted shade, we wanted really a cover. We don't need the deck so much upstairs, but we need the cover. We thought it's the same with the deck with a cover to have a covered patio.

But let me actually note that everything that we are discussing is at the location of the existing structure. We are not adding any structure. Everything that we are discussing, the patio, the deck upstairs, is at the location of the existing structure. We are moving everything back. We are starting from where the existing structure ends landwards. When we put the house there, and I'm very glad it seems that we have a concurrence on

the location, it seems from what I understand, that we don't have any problem now, that's my understanding about the location. We are talking about the patio, it's really easy to discuss, I think.

So the patio, if you noted in the survey dated March 28th, by the way is the same survey in the first page of the architectural drawings. It's the same survey. The architect sends the surveyor who print this and this is what you see here. It is actually stated very clearly, that the ground patio that we propose will be pervious, with pavers, with the pavers, I believe, at four, I mean a half an inch away under stone, crushed stone. It would be a pervious one, not with a slope more than five degrees. Probably one, two degrees. So it won't create any sheet flow toward the swale. And we extend it according to your recommendation there, non-disturbance zone all around the swale. And there is more than ten feet there. It's at least 15 feet. We don't touch that. So that is exactly, going to remain exactly as it is now.

This no-disturbance zone, I think we could do this without any big impact on the plants to have it 12 feet instead of 10 feet. But the whole thing can be undisturbed really. Even the 30 feet will be undisturbed. Because we are talking about very slight, to put a ground patio that would be pervious. So in essence, I think we have a create eight feet and disturbance on there. Those factors, everything. And it actually displaces, replaces an existing structure. So.

TRUSTEE KRUPSKI: Thank you.

MS. FTHENAKIS: Christine Fthenakis. I just want to add, last time we were here your concern was around the stairs where we had steps and removed, and there was six trees there. We went back, we are pulling back the patio so that three of those trees will be preserved and only three will have to come down. So we took your advice as much as we could, and we do plan to replace those trees in other areas near the other side of the bluff that won't impact the structure, the current structure.

TRUSTEE GILLOOLY: We appreciate that, thank you.

TRUSTEE KRUPSKI: Thank you. Is there anyone else here that wishes to speak regarding this application?

(NO RESPONSE).

So certainly the Board is not able to design structures for folks, but going pervious is helpful; looking very hard at that eight-foot covered section, I think is a good direction to head in.

MR. KIMACK: I do have one recommendation. I think it may be helpful. What we can do on this one, you were talking about this 20 feet, Nick. We can certainly do the 20 feet here, on this one. So that would bring it all the way up here. We can then bring the 20 feet on this one side here. And if we can be allowed to maybe bring this back to 12. That would be, two-thirds of it would be 20 feet.

TRUSTEE KRUPSKI: I think we are headed in the right direction.

I would just look at pushing this back as far as possible.

MR. KIMACK: We might have 12 foot left if we do this.

TRUSTEE KRUPSKI: I would try and move it as far as possible.

TRUSTEE GOLDSMITH: I think the Board has been pretty consistent with the distance we are looking for.

MR. KIMACK: 20 feet, if we move 20 feet, we'll end up with an eight-foot patio there.

TRUSTEE GOLDSMITH: Don't you have an eight-foot covered patio currently proposed?

TRUSTEE KRUPSKI: It seems to be like a consistent line to me. But just, again, my opinion.

Are there any additional comments from the Board?

(Negative response).

Hearing no additional comments, I'll make a motion to table this application for submission of new plans.

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

TRUSTEE SEPENOSKI: Number 3, Michael Kimack on behalf of **SAND LENNOX, LLC** requests a Wetland Permit to demolish and remove existing 554sq.ft. dwelling with porch; abandon existing sanitary system and back fill with clean course sand; construct a proposed two-story, four (4) bedroom dwelling with covered decks (2,4120sq.ft.), and a gravel driveway; install gutters to leaders to drywells; install a proposed four (4) bedroom I/A OWTS system in accordance with Suffolk County Health Department standards; remove 19 trees of varying calipers; and to install and perpetually maintain a 30' wide non-turf buffer along the landward crest of bluff.

Located: 1450 Salt Marsh Lane, Peconic. SCTM# 1000-68-3-1

There is a new project description here, to demolish and remove the existing dwelling porch of 554 square-feet; existing septic system to be abandoned and backfilled with clean, course sand; existing well to be abandoned; construct proposed two-story, four-bedroom dwelling with covered decks, 2,420.5 square-feet and gravel driveway; construct on-grade stone patio seaward of new dwelling, 1,607 square-feet, out of shadow of the second-floor deck; construct front walkway 217 square-feet; install gutters and leaders to drywells; install a proposed four-bedroom IA/OWTS system in accordance with Health Department standards; install a new well; provide a 50-foot non-disturbance buffer landward of the crest of the bluff, planted in accordance with the landscape plan made a part of this application; remove 21 trees of varying calipers as depicted on separate sheet made as part of this application.

The LWRP found the project to be inconsistent on February 14th, 2022. It states this stretch of coastline is highly erosive. Structures should be located to the greatest extent practicable to meet Policy 4.1, minimize losses of human life and structures from flooding and erosion hazards, following management measures to minimize losses of human

life and structures from flooding and erosion hazards are suggested. Minimize potential loss and damage by locating development and structures away from flooding and erosion hazards.

The Conservation Advisory Council resolved to support the application of Sand Lennox, LLC. The existing porch should be demolished and removed. The project description has changed to the one as I read into the record. The Conservation Advisory Council supports the application with the recommendation that the proposed dwelling is moved further landward and away from the CEHA line.

All trees along the bluff should be left in place and minimal removal of trees between the house and the bluff.

We reviewed the project description on the 5th of April. We discussed the deck close to the bluff to be removed, and 50-foot buffer to be established, non-disturbance and replanting of trees that were to be removed.

Is there anyone here who wishes to speak to this application? MR. KIMACK: Yes, Michael Kimack on behalf of the applicant.

At last we were here at last hearing, your concerns basically in a sense generated the changes that were presented to you. The additional information that you required and requested. The one prior to that, I think we were originally set back 67 feet from the bluff. The recommendation was to see if we can get to 80 feet, primarily.

This drawing basically shows that the house is back 80 feet, according to your recommendation. It does put us back 30 feet away from the front of the property, gives us an extra variance, but I don't think that in and of itself is going to be a big issue with the Zoning Board, simply because we are moving everything back in order to accommodate the criteria upon which you have to judge this project.

Also to the fact we can't really move it back much more because not only do we have the drywells, we've got the IA system in there, we have to have certain distances as it is, primarily.

You did request a square footage on the patios that were going in. And you'll see that in there, it was two numbers, one was the total and one was under the coverage of the second floor, basically. That was the only way I could actually present it to you.

You asked for a landscape plan, which was admitted to you, and I redid the tree plan, primarily. In essence it shows, basically, all those two removed along the top of the bluff. You visited primarily, the one on the left-hand side of the house that is updated, that is coming down, which is already hanging over the bluff. It's not even a question of that one coming down. And there is another one right there that is in terrible condition. It's leaning toward the house, and the bark is pretty much gone on the back side of it. So it's pretty much dead. Those are the two that are blacked out within the CEHA

zone. I broke it down by the zone. Two removed off bluff in the non-disturbance area, and then six preserved in the disturbance area. Primarily along the eastern side of the property, primarily. And then all the other trees are all pretty much within the confines of either the house, the patio or the driveway, essentially like that. And some of which are already dead, primarily. And they basically, those are 21 trees, removed six feet, primarily in that particular. So you have the landscape plan. The other one was updated to show the drywells that were going, that was another request also. And I'm not quite sure if anything was left off of it than what you had originally asked us to provide you.

TRUSTEE GILLOOLY: One of my questions was, it says construct on-grade stone patio seaward of new dwelling. As Trustee Peeples had pointed out last time, we had discussed a pervious border to those stone pavers. Did you give thought to that?

MR. KIMACK: When you say pervious border --

TRUSTEE GILLOOLY: We had talked about bluestone on grass or something similar to that.

MR. KIMACK: Well, in essence, basically, you can put this, I'm not quite sure if it's so elucidated that way, but you can put the bluestone, I think the idea was basically don't use any concrete, et cetera under it at all.

There is a couple of ways of doing it. Basically a crushed stone, as I indicated grounded bluestone, which it drains fairly well. We are not using any RCA factors in here at all. That's something the Board doesn't want to see. And the tables you can see they are set aside, there is quite a bit of distance between them. I don't expect them to be necessarily grass. In that particular one that I do, is either filled with gravel or probably ground-up with stone in there, which is all permeable. And you can see quite a bit of spacing more so than the original, at least two to three inches between each one.

One of the things you looked at, I'm sorry, the recommendation you made was to remove of the existing platform.

TRUSTEE SEPENOSKI: That's correct. That's in the Coastal Erosion Hazard Area line. 12 by 6. It's 12.5 by 12.5. 156 square-feet. It's on the plans here to remain, and I'm just looking at the rate of erosion in that area. I mean, the current cottage that we are talking about taking down, that's got a waterfront view all right. Hanging off.

MR. KIMACK: It's a nice one, actually.

TRUSTEE SEPENOSKI: It's actually a hair raising one on the site to see it so precipitously. It's probably a decent rate of erosion there, one foot or greater annually.

So I think it would be reasonable to remove the wood platform while the cottage is being removed.

MR. KIMACK: Actually, I don't have an objection to that. It was on there, I looked at it. I left 200 square-foot which you normally, primarily in the CEHA zone. It was fairly back of the existing property. Hopefully it doesn't come in any closer.

And I think we do recognize that in order to preserve and protect the investment and maintain this property, and I won't speak for the client, but I suspect there will be some restoration of that slope. It's certainly some protection that has to happen. Not that long. It's pretty much what is happening to the other side of it, basically, that whole area through there.

But we can, I would agree we can take that down. I left it there, simply, it was there, only because it was less than 200 square-feet, which is normally left alone. In your situation you feel that the location of it, basically, is a little bit more vulnerable than normal structures would be that are allowed within the CEHA zone.

TRUSTEE PEEPLES: I would agree and support Trustee Sepenoski on that. And also you just noted, just to clarify, you noted they would be interested in preserving or restoring the bluff, and I just want you to know the applicant would need to come back to this Board if they chose to do that in the future.

MR. KIMACK: They know.

TRUSTEE PEEPLES: I just wanted to clarify for the record that that is not part of the application we are discussing today.

MR. KIMACK: I had a discussion potentially with them indicating that the bluff, that the slope is not in good shape, that that was something that they should basically consider in order to protect the investment that they plan to make with your approval, with the ZBA approval of this property, that it's very prudent for them to begin to take a look at that.

TRUSTEE PEEPLES: Okay, thank you.

TRUSTEE SEPENOSKI: So we discussed the wood platform to be removed. Would your client also be amenable to planting a few native trees in that area seaward of the house, to revegetate, if you will, in place of the trees that are to be removed. I think it's 21 trees of varying calipers to be.

MR. KIMACK: Well, there are five existing trees right now

TRUSTEE SEPENOSKI: Locusts, yes.

MR. KIMACK: And there's seven, likely, because the other two will remain. There are seven trees that are left there.

There's only two coming down, and one dead, the two dead ones within the 50-foot non-disturbance zone now. No other trees are coming down.

TRUSTEE SEPENOSKI: Well, one of them will come down off the bluff soon enough. All by itself.

MR. KIMACK: The other one, I took a look at it, you'll see that this one leaning, it's about a 12-inch caliper tree, basically. And it's not, they are all the ones through there basically are all the same species, and I lose exactly what it is right now, but it's not an Oak, it's not an Ash, and it's been there for a while but it's not only leaning but the whole back side of it, looks like at one time it might have been struck by lightning there.

So we wanted to preserve as much as we could, and

everything in there except for those two. If you want we can basically replace the two we are taking down.

TRUSTEE SEPENOSKI: One-for-one replacement.

TRUSTEE GILLOOLY: I agree. Sounds good.

MR. KIMACK: I can add that in.

I've got, I think what you are going to say next is table and give you a new set of plans. That's what's coming. I can see the smiles on your faces. I have a zoning meeting on the 5th which I'll let go forward primarily because I think we are down to close to the final resolution, hopefully, on this one. And I don't see any reason, perhaps I'll ask Chairman Goldsmith to ask the Zoning Board to let that one go forward. I didn't want to have to waste any more time.

I put them both in at the same time because I knew your time period was less than theirs and I didn't want to wait for yours to be done and then try to reschedule them and lose time at the back end of it. So it's pretty close.

TRUSTEE GOLDSMITH: And I believe that we can move forward with this one and make a determination tonight. The removal of the existing wood deck on the plans.

MR. KIMACK: And the two trees. I can get to you a landscape plan pretty quickly. I can get it to you next week. So I know that your bit, that you don't have a plan in front of you, primarily, but it's not the main plan. It's landscaping plan. So perhaps as a secondary or collateral plan, it's not necessarily the one. You'll be approving it, but I can get you those changes.

TRUSTEE SEPENOSKI: Very well. Does anyone else wish to speak to this application?

(Negative response).

Hearing no one, I make motion to close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE SEPENOSKI: I make a motion to approve this application, with the project description stamped April 11th, 2022, with the stipulation that the 156.25 square foot wood patio be removed, and a one-to-one replacement of the trees cut seaward of the house will be depicted on the landscape plans.

We are moving the house further landward as far as possible, therefore addressing the LWRP's concerns that the house is, needs to be moved as far as possible from the bluff, and thereby bringing it into consistency with the LWRP. That is my motion.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

MR. KIMACK: Thank you for your consideration. Have a good evening.

TRUSTEE GILLOOLY: Number four, Robert Brown Architects, PC on

behalf of **DAVID SCHWARTZ** requests a Wetland Permit to bring in fill in order to raise the grade level around approximately $\frac{1}{2}$ of the perimeter of the existing structure up 30" from the existing grade level; the new grade will slope down from the house at slopes varying from 17% to 30%; install a 6' long wood retaining wall with a maximum height of 30" sloping to an existing grade; and install a 15' long stone retaining wall with a maximum height of 30" sloping down to existing grade.

Located: 1015 Lakeside Drive, Southold. SCTM# 1000-90-4-5.1

The Trustees most recently visited this site on April 5th, 2022, noting that this was a straightforward application.

The LWRP found this application to be consistent.

And the Conservation Advisory Council resolved to support this application.

Is there anyone here that wishes to speak regarding this application?

MS. BROWN: Robert Brown, on behalf of the applicant. Just a quick backstory. When Dr. Schwartz bought the house, he took possession of the existing certificate of occupancy for a two-family dwelling, which has a garage underneath.

Recently we installed a swimming pool and patio on grade level. And to complement the pool, Dr. Schwartz asked us to design a renovation of the garage underneath the two-story living space, to complement the swimming pool. We made a permit application and the Building Department determined that in fact because the foundation surrounding the garage was primarily exposed, that they felt the two-story certificate of occupancy was incorrect and deemed it a three-story house.

The landscape contractor met with the Building Department and devised this scheme to partially cover part of the foundation wall to make it a legal basement, and that's why we are here.

TRUSTEE GILLOOLY: Thank you. Is there anyone else here that wishes to speak regarding this application?

(Negative response).

Any questions or comments from the Board?

(Negative response).

Hearing none, I make a motion to close this hearing.

TRUSTEE SEPENOSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GILLOOLY: I make a motion to approve this application as submitted.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Before we go to the next one, we'll take a five-minute recess.

(After a recess, this proceeding continues as follows).

TRUSTEE GOLDSMITH: We are back on the record.

TRUSTEE PEEPLES: We are on to Number 5, Robert Brown Architect, PC on behalf of **BRUCE & SARAH ROTHSTEIN** requests a Wetland Permit to install an in-ground pool with a hot tub (621sq.ft.), construct a 475.5sq.ft. wooden deck surrounding proposed pool; install an 8' diameter pool drywell off to the southwesterly corner of pool/hot tub; install code compliant pool enclosure fencing; and to replace existing 204.4sq.ft. wood deck on the bluff with a new wood deck totaling 248.7sq.ft.

Located: 7390 Great Peconic Bay Boulevard, Laurel. SCTM# 1000-126-11-11

The Trustees visited the site on April 5th, and noted that there was a question of the location of the pool equipment, that does not appear on the plans, and requested a two-to-one tree replacement.

The LWRP finds this project consistent.

The Conservation Advisory Council resolved to not support the application because the proposed pool is too close to the top of the bluff, and the size of the proposed wood deck on the bluff is not in compliance with Chapter 275.

Is there anyone here that wishes to speak in regard to this application?

MS. BROWN: Robert Brown, Architect, for the applicant. This is simple and straightforward. We are looking to build a pool surrounded by a deck attached to the house, and replace a deck near the upper bluff, moving it back a foot and making it slightly larger. Beyond that, there was a plan that was done with the pool equipment,

TRUSTEE PEEPLES: Yes. I'm sorry too interrupt. I was remiss in noting the fact that we do have plans dated April 11th that include the pool equipment as well as some sound sheathing for the pool equipment. So, thank you.

There is also the addition of a ten-foot non-turf buffer.

And that's appreciated as well.

MS. BROWN: Right. Right. And from my point of view, it's pretty straightforward. If you have any questions, I would be happy to address them.

TRUSTEE PEEPLES: I do have one question as to the reason, just in referencing the Conservation Advisory Council report, to the reason of enlarging the platform. There is a slight enlarging on two sides. Very minimal. I didn't know if there was a reason.

MS. BROWN: That I would have to ask my client. But he did make the, what I thought was a reasonable gesture of moving the entire structure one foot back from its original location.

TRUSTEE PEEPLES: Okay, thank you, for clarifying.

Is there anyone else who wishes to speak regarding this application?

(Negative response).

Any other comment from the Board?

(Negative response).

I make a motion to close this hearing.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE PEEPLES: I make a motion to approve this application with the new plans dated April 11th, 2022.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

MS. BROWN: Thank you, all, very much.

TRUSTEE GOLDSMITH: Number 6, Twin Forks Permits on behalf of **LITTLE DUCKS REALTY, LLC** requests a Wetland Permit to demolish existing $\pm 2,100$ sq.ft. dwelling with 366sq.ft. enclosed porch; construct a proposed two-story dwelling further landward than existing with a 2,341sq.ft. first floor area, a 3,132sq.ft. second floor area, and a 1,002sq.ft. area over attached 953sq.ft. garage for a total GFA at 6,475sq.ft.; a proposed 404sq.ft. front covered porch; a proposed 583sq.ft. rear covered porch; a proposed 52sq.ft. side covered porch; and a proposed 834sq.ft. second floor deck; construct a proposed 800sq.ft. swimming pool; remove existing septic system on seaward side of dwelling and install a new I/A septic system landward of proposed dwelling; and to install and perpetually maintain a 10' wide non-turf buffer along the landward edge of the bulkhead. Located: 2095 Nassau Point Road, Cutchogue. SCTM# 1000-104-13-3

The LWRP found this to be consistent.

The Conservation Advisory Council does not support the application. The proposed pool setback of 53 feet is not in compliance with Chapter 275.

The Trustees conducted a field inspection on April 5th, noting that it seems the house conforms with the pier line, looking for a ten-foot buffer from the bulkhead as well as a fence added. Remove drywell further landward. And also get screening for the pool equipment.

And we did receive new stamped plans April 11th.

Is there anyone here wishing to speak regarding this application?

MS. POYER: Lisa Poyer on behalf of the applicant. This was a grading plan that shows the proposed pool drywell that was just completed. And the proposed pool drywell was shifted farther away from the original location where it was shown during site inspection, in line with the house, as well as the pool equipment has been shown in line with the house, behind the residence, it's shown clearly on the site plan that was prepared by the architect.

So since your site inspection they have added a proposed pool patio which will be pavers set in sand, which surround the pool. It shows a short distance of ten-and-a-half feet between the pool and the house patio area, so we've just shown it in there surrounding the swimming pool.

The house is in line with the properties on either side, so it meets the pier line. And the house, existing house is 75.5 feet from the bulkhead. The proposed house will meet that same

setback. It will be at a little bit of an angle, so the one point meets that, the other point and majority of the house will be landward of the location.

The sanitary system which is located between the house and the bulkhead will be located to a conforming location, to meet the Trustee requirements. And the applicant is proposing a ten-foot wide non-turf buffer. It matches the property to the south, as well as the property to the north has no buffer currently. Does anyone have any questions?

TRUSTEE GOLDSMITH: Yes. So on the original site plan dated March 29th, stamped received in the office March 31st, it shows a pier line with a proposed house located 106.2 feet from the bulkhead. So now we have the new site plan, dated 4/8/2022, stamped received April 11th, 2022. This shows the house located 77.3 feet to the bulkhead, with that same pier line.

So I'm confused how we have the pier line in one that was at excess of 100 feet, and the same pier line now at 77 feet.

MS. POYER: The original house, the owner went after the property was staked, shown on the property, and noted that he was landward of the other two residences on either side of him, and brought the application to be in line with the pier line on either of the two residents on either side.

TRUSTEE GOLDSMITH: So was the original pier line in the first site plan inaccurate?

MS. POYER: There is no pier line on the original site plan. It's that magenta line.

TRUSTEE KRUPSKI: On the original it shows the estimate of the neighboring properties and there is a line coming out straight from it, then it cuts straight across your original proposal.

MS. POYER: (Perusing).

TRUSTEE KRUPSKI: Right here. This says approximate location of neighboring house.

MS. POYER: This is actually the 100-foot bulkhead offset. That's not meant to be a pier line.

TRUSTEE KRUPSKI: Okay.

MS. POYER: Because the neighboring house over here is more seaward. That is the 100-foot bulkhead offset line. It just happens to coincide with that point of the house, which if you look at the aerial, this neighboring house is actually seaward up here as well. That's the one, that corner, which is offset from the seaward point.

TRUSTEE GOLDSMITH: So do we have a pier line on this new site plan?

MS. POYER: This plan is on the aerial. And you can see the red line. Yes, that one. That is, it's showing the nearest point to this house and the nearest point to that house, and it's landward of it.

TRUSTEE GOLDSMITH: Sorry, so -- we are at the edge of the house, the yellow --

MS. POYER: This line here, back to here, back. This is the covered patio. So this is the nearest point of the house here.

So it is still landward of the --

TRUSTEE GOLDSMITH: Okay.

Next question. When we were in the field it didn't mention anything about a patio going right up to the pool. Then now we have a patio.

MS. POYER: We have a patio.

TRUSTEE GILLOOLY: Also, the pool has been moved about ten feet closer. Is there any place to move that back to conform with the 50-foot setback from the pool?

MS. POYER: That would put the pool immediately next to the house, less than a foot from the house.

TRUSTEE KRUPSKI: It seems there can be a workaround for that. I'll be very frank, with this application, we visited this in the field on the 5th, and I walked away and said, wow, that's a straightforward application. How refreshing someone is moving away from the wetlands with all structures.

So we are not there anymore at all with this. I have a hard time granting a pool to go closer, with such a depth of lot, to go closer than the 50-foot required setback. I think that's a big stretch for me.

MS. POYER: Can I pull the pool from the application and just have the residence reviewed in the same, meeting the same wetland setback as currently exists? And I could come back to you with a new application for a swimming pool at that later time?

TRUSTEE KRUPSKI: We would need new plans not showing a pool

MS. POYER: I can do that. I can get that to you as a condition. I can take off the pool and the patio.

TRUSTEE KRUPSKI: So I mean we are dangerously close to what I would consider segmentation of the application here, saying you'll come back with a pool. I think there would have to be some sort of understanding that it is most likely a pool would not be appropriate in this location if the house is sited so close to the wetland. So it might be smart to consult with your client moving forward. That's just my two cents on the matter.

TRUSTEE GOLDSMITH: And the pier line itself, you know, it should apply for all structures, for the most part. And I think you saw it on a previous application where you are putting the house as close as physically possible to the wetlands, so with us potentially granting that, I don't think -- I think it's asking for a little too much if we are proposing other structures seaward of that line.

TRUSTEE KRUPSKI: Fair way to say it.

MS. POYER: Okay, so table the application.

TRUSTEE GOLDSMITH: Is there anyone else here wishing to speak regarding this application?

(Negative response).

Questions or comments from the Board?

(Negative response).

TRUSTEE GOLDSMITH: I'll make a motion to table this application.

TRUSTEE GILLOOLY: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES),
MS. POYER: Thank you.

TRUSTEE KRUPSKI: Number 7, Lena DeSantis on behalf of **NORA TUTHILL GLUECK** requests a Wetland Permit for the existing approximately 490sq.ft. one-story club house with adjoining 424sq.ft. deck and 50sq.ft. back deck with steps; existing 390sq.ft. of patio pavers; existing 144sq.ft. "spar" shed; remove the roof, deck supports, deck and patio; construct a new roof in same footprint as existing; construct a new 112sq.ft. deck; and install 700sq.ft. of patio pavers with no expansion of use as a result of the property repairs.
Located: 1400 Old Harbor Road, New Suffolk. SCTM# 1000-117-5-14.1

The Trustees most recently have visited this site on the 5th of April and noted it's a straightforward application, discussing at work session that it was tidying up what was essentially already present at the site.

The LWRP coordinator found this to be both consistent and inconsistent. Inconsistent is the as-built structures that do not predate Board of Trustees regulations are recommended as inconsistent in that they do not have a Trustees permit. And the structures that are constructed prior to the Board of Trustees regulations are recommended as consistent.

The Conservation Advisory Council resolved to support the application. And I do have a letter in the file from a NewYorkExaminers@yahoo.com which we have reviewed, noting a few concerns about the project including the shed obstructing the view of the children running around; the pavers not being natural; there is a site plan, and barbecuing subject to proximity of the water, et cetera. It's essentially not in favor of the activities at this site.

Is there anyone here that wishes to speak regarding this application?

MS. DESANTIS: My name is Lena DeSantis, on behalf of the applicant. Here to answer any questions, if have you any.

TRUSTEE KRUPSKI: Okay, thank you. Is there anyone else here wishing to speak regarding this application?

(Negative response).

Hearing none, I make a motion to close the hearing.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve this application which will grant a permit thereby bringing it into consistency with the LWRP coordinator.

TRUSTEE GOLDSMITH: Second.

(ALL AYES).

MS. DESANTIS: Thank you.

TRUSTEE SEPENOSKI: Number 8, Joan Chambers on behalf of

KONSTANTINOS D. KATSIRIS & JULIA MELINDA ORLIE KATSIRIS requests a Wetland Permit to construct additions to the existing dwelling consisting of a 341sq.ft. one-story addition on the north (landward) side of existing dwelling; a 45sq.ft. extension on the north (landward) side of the existing attached unheated, one-car garage for a total footprint of 2,223.5sq.ft. dwelling with attached garage (excluding deck, balcony, front porch and side stoop); construct a 17'4"x4'0" (69sq.ft.) second-floor balcony on south (lake) side of dwelling; construct a 12'0"x10'0" (120sq.ft.) wood framed, ground level deck on south (lake) side of dwelling; and for the 870sq.ft. as-built renovation of existing basement.

Located: 400 Lakeside Drive, Southold. SCTM# 1000-90-3-3

The LWRP found this application to be consistent.

And the Conservation Advisory Council resolved to support the application.

The Trustees most recently visited the site on April 5th, 2022. Trustee Peeples has written: Clarify site plan around new deck. Condition a 15-foot buffer on finger and mapping wetlands.

Is there anyone here who wishes to speak on behalf of this application?

MS. CHAMBERS: Yes. I'm Joan Chambers, speaking behalf of the owners.

Last week Elizabeth approached me and asked me to have the survey revised to address some of the concerns we had after you had done the site visit. The surveyor sent me a digital copy which I printed and delivered, and I don't know if the original paper copies were delivered to you on time or not. They were going to mail them.

MS. CANTRELL: They are in. They should be in the file.

MS. CHAMBERS: Thank you. And that reflects the non-turf buffer that you requested and the mapping of the wetlands.

TRUSTEE SEPENOSKI: We have received a new survey stamped April 13th, 2022.

Is there anyone else here who wishes to speak to this application?

TRUSTEE GILLOOLY: I know that this is a relatively minor addition to the house which probably would not trigger an IA system, but I would urge your client to consider it given the proximity of their current septic system to the wetland. It's definitely in a flood zone and it's a very sensitive area.

MS. CHAMBERS: An IA system was applied for over two months ago, and the last time I spoke to the Board of Health they basically have approved it, but they are waiting for a DEC approval of its location.

DEC, I spoke to them a few days ago, and they said within two weeks they are going to release their permit with the IA system located on the landward side of the house in the front yard. So I think should that should address your issues.

I can give you that paperwork once I receive it so you can

have it for your records.

TRUSTEE GILLOOLY: That's great to hear. I don't think it's necessary for us to render a decision.

TRUSTEE SEPENOSKI: Is there anyone else wishing to speak to this application?

(No response).

Hearing no one, I move to close this hearing.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE SEPENOSKI: I move to approve this application with the new plans stamped April 13th, 2022.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE PEEPLES: Number 9, Jennifer Wicks on behalf of **FRANK & CHRISTINE MANGANO** requests a Wetland Permit for the existing one-story dwelling and attached garage with a 2,138sq.ft. footprint; construct a 37.3'x29.7' (1,107.8sq.ft.) second story addition with a 31'x8' (248sq.ft.) second story deck. Located: 370 Sunset Way, Southold. SCTM# 1000-91-1-7

The Trustees visited the site on April 5th, and noted that due to the number of bedrooms in this house, that number seven, an IA system would be recommended. And also noted just to confirm that the support of the second-floor deck does not sit forward of the seaward line of the house.

We have plans in the file dated January 19th, 2022.

And the LWRP has proposed that this application is exempt from review pursuant to the additions to an existing building or rebuild of a residential structure which results in no net increase in ground area coverage, except for the parcel is located in the Coastal Erosion Hazard Area.

And the Conservation Advisory Council resolved to not support this application because there is not enough information on the septic system and adequate drainage plan.

Is there anyone here who wishes to speak regarding this application?

MS. WICKS: Yes. Jennifer Wicks on behalf of the applicant. I know Zoning has also asked about the septic as well. The Mangano's have applied for the grant. Because, I guess, I had looked for any kind of permits or COs for septic, and he had said that the old owner, he thought he had a new septic system. But he doesn't know where it is. So I told him that was going to be a possibility. So he already applied for the grant and we would go forward with an IA system. And as far as drainage, he would have no problem putting in drywells. And we could submit a plan with drywells and the IA system as well.

TRUSTEE PEEPLES: That would be great. Thank you.

Is there anyone else here who wishes to speak to this application?

(No response).

Any other comments from the Board?

TRUSTEE KRUPSKI: Only that we could probably just stipulate the IA with the application.

TRUSTEE PEEPLES: Okay.

TRUSTEE KRUPSKI: For this case, yes.

TRUSTEE PEEPLES: Would that be agreeable?

MS. WICKS: Yes.

TRUSTEE PEEPLES: Sounds good. Any other comments from the Board
(Negative response).

I make a motion to close this hearing.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE PEEPLES: I make a motion to approve this application with the conditions of an IA system and the drywells associated with this project.

MS. WICKS: Okay, thank you.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GILLOOLY: Number 10, Costello Marine Contracting Corp. on behalf of **FOUNDERS LANDING BOAT YARD, LLC** requests a Wetland Permit to reconstruct previously existing 24.5'x59' building #5 and 24.5'x34.5' building #6 that were destroyed by a fire on 6/10/2021.

Located: 1000 Terry Road, Southold. SCTM# 1000-64-3-11

The LWRP found this proposal to be consistent.

And the Conservation Advisory Council resolved to support this application.

I am in receipt of a letter from Jill Wagner addressed "gentlemen." Fortunately we have gentle ladies here. We are in receipt of the notice to adjacent property owners in connection with the above-referenced matter. We are the adjacent property owners.

Given the fact that the applicant intends to rebuild, objection is made to the reconstruction without the restriction on the use of the flammable material within the structure, including paint, varnishes and rags which have been exposed to such material, and the installation of an adequate fire suppression system.

Given the fact that the proposed reconstruction abuts our property line, and the fire which took place there in June of 2021 has caused damage to our and our neighbor's home, we believe it is incumbent on the Board of Trustees to relocate the previous building to a location further from the residences abutting the property and closer to Hobart Road.

The Trustees most recently visited the site on April 5th, noting to check permit history; question of variance of property line; questioned running water; questioned electric; and

questioned septic.

Is there anyone here who wishes to speak about this application?

MS. COSTELLO: Yes, Jane Costello, and I'm the owner of the Founders Landing Boat Yard.

Okay, so let me quickly just go over what we are doing, then I'll address my neighbor's letter and everything.

So a fire occurred June of last year, June 10th of last year, and totally consumed the existing building, which has been existing since some time in the '40s. So it is a nonconforming building.

The use of the building is a storage shed. We hope to keep it a storage shed. The property is zoned Marine 2, so it is a conforming use of the property.

So under the Zoning regulations, I am allowed, when a structure is destroyed by fire and other natural causes, that I can reconstruct as long as the dimensions of the structure remain the same. So I'm staying within the exact footprint of the original structure. The roof line is exactly the same, the pitch of the roof line is the same. The difference is that I'm also mandated to be FEMA compliant. And so in order to be FEMA compliant, they want the finished floor basically would be at Elevation 8.

The surrounding area of the boatyard, the boatyard, per se, is at Elevation 4. So Elevation 8 is a huge jump. So we couldn't comply with that. So in order to mitigate that factor, what we did was we made the finished floor Elevation 6. We kept the side of the building all concrete surround, all doorways have flood proofing and everything, and from Elevation 8 down is completely waterproof, it's completely flood proof, and that conforms to FEMA regulations.

The downside is the way the building was, the long section, the lower roof line section, it was all barn doors, right, we could open it all up and move in stuff like that. But with raising the elevation, I don't have the room to put any kind of access ramp. So I had to make that one wall solid and I had to put the opening on the end, with access ramps to get up to Elevation 6. So it's access ramps that are coming up about two feet.

Everything else -- okay, so my neighbors, they're worried, of course, about another fire happening, and all, as far as flammable materials and things like that, we are mandated by OSHA, as is any commercial entity. I don't think really it, to put a mandate, the Trustees to put a mandate that nothing can be in there, I can only handle flammables only a certain way. They have to be contained a certain way, they have to be, and we'll address, you know, we will definitely handle all the OSHA mandates, and we'll also do whatever the fire marshal wants. But I think for a shed less than 5,000 square-feet, they are not going to want or mandate sprinklers or anything like that. There is, it's a storage shed. It's very similar to their own garage, which I know it's also been consumed by a fire. But my

neighbors, both those houses are zoned Marine 2, as am I, and the garages are separate entities from the residence. So their garages are storage as well.

So they really were concerned about our buildings being too close together. They have more flexibility and more room to move their garages that would not really inhibit the rest the property, than I do.

TRUSTEE GILLOOLY: But at this point their garages are there and this building is not here.

MS. COSTELLO: Their garage was consumed by fire. The one, Patricia DiCarlo, which is one in front, which is the waterfront side where the pool is, was also consumed by fire. So they have the opportunity to move it.

I understand, it's my understanding they were issued a building permit. I don't believe they came to the Trustees, and I don't believe the Building Inspector mandated them VE6. I still think it's in Trustee jurisdiction and I do think it's still in DEC jurisdiction.

So I get it, they poured their foundation, they started to build, but if they are having concerns they shouldn't put the regulations on me. They should just move their garage back. They have more flexibility. They have 100-foot depth to their property.

TRUSTEE GOLDSMITH: I do believe that their concern is legit. You know --

MS. COSTELLO: They're three feet off the property line and I'm nine feet off the property line.

TRUSTEE GOLDSMITH: But two wrongs don't make a right. If there were proper setbacks on this, potentially any fire, whether it started in the shed or that garage, would not spread to an adjacent structure. And I think that is their concern.

MS. COSTELLO: I get it. And vice versa.

TRUSTEE GOLDSMITH: Absolutely. Um, you know, obviously I'm intimately familiar with this piece of property and that building. And when it was constructed back in the '40s, '50s, whatever it was, the setbacks and everything were not as much of a concern, not only for the adjacent property but for the distance to the wetland as well.

So originally that was all just dredge spoil, and that was built back in the day. Now, you know, in 2022, we know better than what they did in 1940 where they just built in wetlands and just built whatever, wherever. And as you mentioned, with the neighbor of having room to potentially move their garage, there is also the ability to move a building/shed of some sort further away from the wetlands from this Board as far as that corner lot. I believe the current distance is 24, 25 feet away from the bulkhead and, whatever it is, nine feet from the property line.

You know, and also it's not necessarily going back as is, where is. As you mentioned, you have to go higher. So a one-story shed wood structure used to have a dirt floor, now

being, I don't know what the height is, with a cement floor, everything like that, is not the way it was.

That would be my concern.

MS. COSTELLO: It's a nonconforming with a conforming-use structure.

TRUSTEE KRUPSKI: Right. So it predates Trustees. So it's non-permitted, nonconforming structure.

I guess the hardship for the Trustees is this site is a very developed site. I mean, obviously we try to work very, we try to work very closely with marine operations, marina's, working waterfronts, et cetera. But in viewing this as a new application, which the Board of Trustees has to, as opposed to ZBA, it is a difficult lift to approving essentially, you know, a new structure, this close to the wetlands, on such an already developed site. For me it's kind of a heavy lift. I wonder if there were no other options that could be explored that we could work with you on moving forward.

MS. COSTELLO: Okay, so I, at no point will I get a structure with that footprint, that size, to be conforming, okay, because I just don't have the room. And I don't know if like everybody, I'm sure Glenn understands, but this is a separate structure that the property line runs right down the middle of the boat basin. It's two separate properties. And so this is the primary structure of the property.

But I know that you see that empty lot, but that empty lot is kind of like an angled lot. It's only 15 feet on the Terry Road side, and so you come out and there is going to be property line issues. The structure will actually be closer to the residence than it is going to be to the garage.

There's fire issues, you don't want a commercial build -- they're using their Marine 2 site as a residence, right? So you don't want a storage shed where there they are fearful it's going to be another fire, closer to a residence, you know.

I mean it's unfortunate the event that took place that night, but, you know, we can thank mother nature, we can thank God, that only the garage went. You know.

TRUSTEE KRUPSKI: For me -- sorry. Go ahead. I didn't want to interrupt.

MS. COSTELLO: No, go ahead.

TRUSTEE KRUPSKI: For me, I know Trustee Goldsmith mentioned the fire concern. He might be a little jaded, being a fireman, but I just call the fire department if there is an issue. But for me I'm more concerned about the environmental concerns than trying to move the structure away from the wetlands. I'm just curious if there is any way to do that that we can work with you on.

MS. COSTELLO: I don't think that footprint I can move. It's not like I can take it and angle it and it's going to make a better situation. I really don't.

TRUSTEE GOLDSMITH: I don't believe it necessarily has to be the exact footprint. You know, there is room for a different, potentially, sized structure in a different location that would address our primary

concerns being met with proximity to the wetlands, but still give you the ability to store boats or whatever within it. And once this is cleared out, you know, speaking from experience, that's a good spot to store boats on land where that previous building was. So I don't think you'll lose capacity as far as storage.

MS. COSTELLO: Well, what we were storing there is primarily a storage shed at the time of the fire. So mean, so there was 70, 80-foot masts in the building, that were valued at like 70 to 80 thousand dollars. I mean it was a huge loss. Also, in there were three small boats. Um, and then all, what it is, these boat boxes, because Wooden Boatworks on the other side of the basin, they are doing construction and repairs to boats. So they store all of the stuff that people have on their boats in these boxes. So it was like a mishmash of coffee pots and life preservers that went up in flames. Um, that is our really, right now, that's our intent. Now if I go and I, I still have to make a living. You know what I mean? I do have to make a living. So right now I have 2,500 square feet or I had 2,500 square feet that I was renting out.

I do not have that income. If I make the footprint smaller, it's not going to be for storage. I have to make the same income. Do you understand? I mean, if I go and all of a sudden I can only build something that is a thousand square feet, I still have to make income to make the mortgage and things like that. So the use, I'm, you know, I have to go to ZBA and everything, I would be more prone to change the use of the building.

TRUSTEE KRUPSKI: Unfortunately, while I appreciate what you are saying with income, the Trustees can't really look at it through that lens. So I don't want to design anything for you. I certainly don't have the answers. But I mean if it was used as a storage shed to store long masts, I don't know that you need the height, or obviously the height is FEMA, but certainly not the width to do that. It's, I mean you must understand it's a difficult situation we are placed in, looking at this from an environmental standpoint. It's a pretty big lift.

MS. COSTELLO: I do. I understand that. But what I'm trying to say is that if I move it to that empty lot and I make the footprint smaller, in all likelihood I'm going to change the use. And then we are going to be talking about adding water and we are going to adding septic and we are going to add all these things that you really don't want.

TRUSTEE KRUPSKI: We are not going to add that.

MS. COSTELLO: You're not going to add that? I'm going to --

TRUSTEE KRUPSKI: No, we're not going to add that. Certainly not

MS. COSTELLO: Great. But if I want to make an office as Marine use, this is a marina, and I'm allowed an office. This is what I'm saying. Like, I have to make an income.

So right now, right before you, right now, I'm just asking for a storage shed, no water, no septic. Just a building that's been there, replaced. It's been there for 75 years.

TRUSTEE GILLOOLY: But it was never permitted by the Trustees, correct?

MS. COSTELLO: That is correct. But this concept that I heard, even tonight, I'm not quite understanding. It sounds to me like anyone who has waterfront property that has a nonconforming, existing structure, regardless if they have a CO, you guys want applications for existing buildings. To legalize it.

TRUSTEE GILLOOLY: In case of an act of God.

TRUSTEE GOLDSMITH: We are getting off track here.

MS. HULSE: I think we need to get back to the application at hand. It sounds like there are some issues, where the Trustees have issues that are significant.

So I'm not sure at this juncture if you want to close the hearing or table, but it's getting a little repetitive now. This is not under Trustees actual consideration in deciding this application.

Did you wish for it to be handled?

MS. COSTELLO: I guess, yeah. Then can we open discussions later? Because it seems like there has got to be a lot of discussions.

TRUSTEE KRUPSKI: Well, I guess the question is do you wish to table the application to make any modifications to your application.

MS. COSTELLO: I don't know.

TRUSTEE GILLOOLY: As it is now, we don't see any drywells on the application. We would need to see where all the runoff would go for to us fully consider this application. That would be the minimum.

So I propose that we table this application for submission of new drawings.

TRUSTEE KRUPSKI: If she wants it to be tabled.

TRUSTEE GILLOOLY: If you wish for it to be tabled.

TRUSTEE KRUPSKI: Because that would be a modification, obviously to the plans.

MS. COSTELLO: That's fine. That's fine.

TRUSTEE PEEPLES: May I ask one question on the record. What was the height, not from grade, what was the height of the existing building? Do you have that information?

MS. COSTELLO: I thought that was on the plan. But I could be mistaken. I do have it. If it's not on the plan, I could put it on the revised plan.

So of course there is no, you know, we are doing our best to judge what the height was. Regardless.

TRUSTEE PEEPLES: Of course.

MS. COSTELLO: Like I said, I thought it was -- I don't have it. I'll put those on the plans, so. I know I have them.

TRUSTEE PEEPLES: Okay. That would be helpful. The reason for my question is just, you know, obviously this is an important part of the neighborhood, in replacing what was there, you know, just to take into consideration the character. And while I understand you have to comply with FEMA, you know, raising the

building up to comply, in addition to raising the height, does then create a much larger visual building on that site.

MS. COSTELLO: Right, right. It was not like a huge building. I don't want you to think that, that, you know, if I had my choice, I would not make it four-foot higher, I would put it right back the way it was. That would be my intent. It's the intent to restore it that FEMA is just a mandate that is being placed on me.

TRUSTEE PEEPLES: I understand that. If you could supply what you guestimate is the original height, that would be helpful.

MS. COSTELLO: Okay.

TRUSTEE PEEPLES: Thank you.

MS. COSTELLO: And drywells.

TRUSTEE GILLOOLY: I make a motion to table this application for submission of new drawings.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All n favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 11, Stephen Kiely, Esq. on behalf of **2500 SOUNDVIEW, LLC** requests a Wetland Permit to install a proposed 10'10"x24'0" in-ground pool; install a proposed 282sq.ft. pool patio to be connected to existing 271sq.ft. patio; install a drywell for pool backwash; install a pool equipment area; and install 4' high pool enclosure fencing. Located: 2500 Soundview Avenue, Mattituck. SCTM# 1000-94-2-1.5

The LWRP found this to be consistent.

The Conservation Advisory Council supports the application with the condition the patio is not extended between the pool and the pond.

The Trustees conducted a field inspection April 5th, noting requesting a 15-foot wide non-turf vegetated buffer.

We do have new plans stamped received April 11th, 2022, that show the proposed 15-foot buffer.

Is there anyone here wishing to speak regarding this application?

MR. KIELY: Yes, sir. Stephen Kiely Esq. Good morning, Mr. President and the rest the Board.

TRUSTEE GOLDSMITH: Good morning? Must have been a long day for you.

(Off the record comments).

MR. KIELY: So, I would like to say, good morning, Mr. President, and the rest the Board. My name is Stephen Kiely and I'm the attorney for the applicant, 2500 Soundview LLC.

I'm here tonight with Robert Anderson, the more handsome and the one with better hair from Suffolk Environmental than Bruce. And I'll turn it over to him shortly.

The subject property is located in the AC Zoning district. It's a 24,731 square-foot lot. It is improved with a dwelling, an attached patio and some decking.

The house actually has an interesting history. The former owner of the property was a world-renowned commercial architect

and he incorporated different commercial elements into the interior, and then also the exterior. He actually designed the McDonald's in Times Square. And he would use this house as a place to entertain potential clients and friends. He dubbed the house Frog Hollow due to the large number of frogs who call the pond home.

We are asking the Board for permission to construct an approximately 10'x24' inground vinyl pool and a 282 square-foot patio landward of the pool; install a pool fence, pool equipment and a drywell.

In addition, as requested, my clients will have a 15-foot non-turf buffer placed on his property as shown on the referenced survey.

And as the President referenced, the LWRP coordinator found our proposal consistent with the LWRP, and the Conservation Advisory Council supported same.

It is clear that the proposed pool holding a 52-foot setback and the patio holding approximately a 75-foot setback, which should be noted is in full conformity with the minimum setbacks for pools and related structures pursuant to Section 275-3(d)(1)(a)(5), along with the buffer, meets the standards as enunciated in Section 275-12 for the issuance of a permit. Thus, this seemingly should be a straightforward application and I should be in and out of here. However as the fly in the ointment, as you are aware, is that there were signs of clearing up to the pond that you observed during your site inspection. Also you noticed what appears to be new correction off the existing patio.

My client are new to the area and had no idea that they could not remove vegetation without Trustee approval. They removed mostly bamboo, which is invasive, on the property. They are extremely apologetic for doing that, and they hired Suffolk Environmental to prepare a plan to immediately bring the property into compliance. And I have that plan to share with you tonight. They willingly accept responsibility and will not fight the violation that was issued. They were issued the violation, we'll go to court, take our lumps.

Additionally, as to the alleged new structure, it was merely that my clients reduced the size of the existing patio, to level it off in anticipation of the proposed pool. So they just took, if I can use the term "saw," to saw it out into a little triangle to make it flush with where the pool is going to go. And the previous, you know, two-story patio had retaining railroad ties along it. And the railroad ties are still there. He just gave it a facelift. And I have pictures of what he did.

So again, in doing that, they jumped the gun again. They should have ideally came here and asked for approval. But they did not. But they did reduce an impermeable structure within your jurisdiction.

Anyway, if I may approach, Ms. Hulse?
MS. HULSE: You may.

MR. KIELY: I have the copies of the vegetation plan. Here is a picture of the patio with the railroad ties.

(Pictures being displayed to the Board).

TRUSTEE KRUPSKI: When was that picture dated?

MR. KIELY: I don't know what the date was, but it was before they did any work to it. So it's the retaining, the railroad ties are here. Then here is where they cut it. Here is where they put that, to cover up the railroad ties. And here is pictures of what it looked like before the clearing was done. And then I have the old survey that shows the layout.

TRUSTEE KRUPSKI: So just, I mean, do you want to pass out the survey first?

MR. KIELY: Sure this may answer a question, maybe.

TRUSTEE KRUPSKI: Maybe.

MR. KIELY: So this is when the property was purchased. This is what the survey was. And as you can see, that's the patio. And what they did here was put that triangle, which was a step down. They just cut it off. So they can stick that pool back there.

(Inaudible).

And don't believe what you see on Google Earth. Please.

TRUSTEE KRUPSKI: So my issue, I'm assuming you realize, if you look at Google Earth there is no patio or anything. It's just trees.

MR. KIELY: No, no, it's always been a patio there. Without a doubt

TRUSTEE KRUPSKI: I mean, did you look at Google Earth?

MR. KIELY: No, it's just because there was trees over it. Wait, look at that

TRUSTEE KRUPSKI: That is nice. That's not the structure, is it?

MR. KIELY: No, where is the pond.

TRUSTEE KRUPSKI: Okay, so that's a better. I mean that one is a little harder to see, but it's a pretty good illustration of -- I don't see a patio.

MR. KIELY: It's definitely clouded. It's like --

TRUSTEE KRUPSKI: You see it? Okay. So regardless, there was far more vegetation cleared than the pictures or the Trustees realized on our site inspection. So certainly I think I, myself, would be looking for a larger restoration effort than we originally expressed to your client onsite. Because we didn't realize the extent of the clearing.

MR. KIELY: Without a doubt. Like I showed you some pictures of what it looked like. There is a lot of bamboo, and they took that out.

And now I'm going to turn the mic over to Mr. Anderson to describe, he came up with a very nice proposed re-vegetation plan. And I can bring the realtor in here to attest to the fact the patio was there. We did not build that.

And, so, Mr. Anderson would you like to chime in on this.

MR. ANDERSON: Yes. My name is Robert Anderson, Suffolk Environmental Consulting, in furtherance of Mr. Kiely's matter.

If you have any questions regarding the plan I prepared, I would be more than happy to answer them. And I'm happy to answer any questions of the vegetation onsite. And the images.

TRUSTEE GOLDSMITH: This plan is stamped received April 13th,

2022. Is that the proposed planting plan?

MR. ANDERSON: Yes, sir.

TRUSTEE GOLDSMITH: So we are looking to do a couple of Buttonbush and some Switchgrass?

MR. ANDERSON: I found that to be appropriate for the area, yes

TRUSTEE GOLDSMITH: Do you see that pictured on the screen?

TRUSTEE KRUPSKI: Can you go back to the other one, please, the aerial.

TRUSTEE GOLDSMITH: That'll work. So it seems like there was a lot more clearing than a couple of Buttonbush and Switchgrass.

MR. ANDERSON: All that was there that I can tell was predominantly bamboo. I have no evidence to suggest there was older growth there that was removed.

TRUSTEE GOLDSMITH: I think we saw some stumps in the field inspection

MR. KIELY: There was a couple of trees, not in the area immediately adjoining the pond. If I can just come back up.

The picture, this is, again, when it was bought, that was the picture so you can see all that bamboo. And you were on the property and there is a lot of bamboo

TRUSTEE GOLDSMITH: There is a lot of bamboo. And I don't think we necessarily have an issue clearing bamboo, since it is an invasive. However, it looks to me like there was more coverage than just bamboo on this property that is no longer there.

MR. ANDERSON: If I may, from what I was able to observe this morning when I visited the site, it looks like there was partial trimming of the Maple that's there on the street side of where the clearing was. That's as far as the other coverage I was able to see onsite.

TRUSTEE KRUPSKI: It would appear to get that kind of coverage over the patio to the point I couldn't see it myself, it has to be more than -- because bamboo grows straight up and down. Certainly there could be shading, depending on the angle of the satellite taking the picture. But I would make an argument there was mature buffers or trees up against or near the patio, so I mean that whole yard in effect was closed in. So to permit in a new pool with such an egregious clearing violation without at least putting in a little more effort into the rest of the yard. In the field inspection, we looked at the buffer because it appeared that was the only clearing. But it seems to me that we should get something that is a little more extensive than what is proposed.

MR. KIELY: And they have no problem with that.

TRUSTEE KRUPSKI: It seems like they didn't, yes.

MR. KIELY: When was that taken, that aerial?

MS. CANTRELL: This is what comes up --

MR. KIELY: It should be a date of when the picture was taken. On the bottom right-hand corner.

MS. CANTRELL: There isn't. That's the left-hand corner.

MR. KIELY: Because again, there may have been much more dense vegetation before my client purchased the property. But we are

willing to augment the plan and put some more stuff in, you know. Again, they are very apologetic. They just want to do what's right and be able to move on from this. And whatever you suggest.

TRUSTEE KRUPSKI: Understood. I guess my thought is if we are, if you are applying to this house as a new build, it would be a very different conversation because of your proximity to the wetland. So it would be nice to see a planting plan, something to mitigate those concerns. Obviously, turf is not an ideal situation on a property such as this.

TRUSTEE GOLDSMITH: I don't necessarily think we have a problem with the proposed pool and patio. We are down to the vegetation and the clearing to try to replicate to some extent what was previously there. And the current planting plan falls a little short.

MR. ANDERSON: So as a matter of clarification, you would like to see increased variety in the plan or just increased quantity? Because I can do both.

TRUSTEE KRUPSKI: Yes

TRUSTEE GOLDSMITH: Both. Trees as well.

TRUSTEE SEPENOSKI: The most important factor here is the health of the wetland adjacent to the property. It's not, we see on there, it's not retaliation in some way. It's to preserve what is a healthy, freshwater wetland.

MR. ANDERSON: I would imagine so.

TRUSTEE SEPENOSKI: Which, little frogs, muskrats coming by while we were there.

MR. KIELY: I went out there today, it was about 25 frogs making noise.

TRUSTEE KRUPSKI: And we want to keep them there. Unless they are already cooking at your house now.

TRUSTEE GOLDSMITH: And just one other thing, when we get the new plans with vegetation, we need to update the project description to account for the patio section that was removed.

MR. KIELY: Okay, we can do that. Is there any way we can do a subject-to situation? Because again, you know, the LWRP, Conservation Advisory Council, everybody supports it, you say you support it but for the vegetation, and if we can get an approval tonight, subject to your approval of the re-vegetation plan, that would be amazing.

TRUSTEE GOLDSMITH: I do believe you mentioned you don't even have a court date yet, correct?

MR. KIELY: That's not my fault. We would go tomorrow.

TRUSTEE GOLDSMITH: So I don't know if we really need to rush this.

MR. KIELY: No, we'll go in there and pay a fine.

TRUSTEE GOLDSMITH: To get an approved re-vegetation plan in front of us before we make a final determination on this project, due to the extent of the clearing, it would probably be best bet. So if, you know, we are talking one month. So if you don't have a court date as of yet, I don't think necessarily one month will really delay anything.

TRUSTEE KRUPSKI: I would agree with that. I think, you know, we try to help expedite people when we can. But if we are talking about adding five more feet to the buffer, I would be willing to do subject-to. But we I think we are talking about some mature trees, some, you know, adding the patio, increasing the buffer, kind of enclosing that rear yard space. Mitigating. You know, especially because we are granting a fair amount of leniency for the pool, within the hundred foot from the pond there.

MR. KIELY: It is the minimum setback

TRUSTEE KRUPSKI: 50 feet from the bulkhead, right?

MR. KIELY: No, there is no bulkhead. It's just 50 feet from the boundary. And we are a little more than that.

TRUSTEE GOLDSMITH: Right. So as Trustee Sepenoski mentioned, our primary concern is the wetland and the pond.

MR. KIELY: Which is ours.

TRUSTEE GOLDSMITH: And there are nine plants proposed, which I think falls short of our protection of that wetland.

MR. KIELY: But five-hundred plugs.

TRUSTEE GOLDSMITH: Yes. But there was also the mature trees and things like that.

MR. KIELY: We can throw in some trees certainly. And I'll just defer to the experts on what to put in there. But I was just trying again to expedite this because the season, you know, they want to have a pool for the season, and we are trying to line up contractors and, you know, once you get bumped if you get someone lined up, you get bumped, you don't see them again for six, seven, eight months. Because we are simpatico. We want to give you what you want. We'll pay the fine. And our, like we want the health of the pond to survive because we like the fact that it's Frog Hollow. We like the fact that, you know, so we have to do something with the mosquitos. I was there and there was a million mosquitos. So we might have bat traps, not bat traps.

TRUSTEE SEPENOSKI: It's sounding like it's moving in the right direction. When we were at the site, the applicants were eager to further develop patios and pergolas and the sky was the limit with what they were going to do then. According to the applicants they learned about these things called wetlands, which you could imagine our surprise.

MR. KIELY: You have people from up-island, they don't know.

TRUSTEE GOLDSMITH: One other point, when you come back with the new plans, we would like to see it be a saltwater pool.

MR. KIELY: No problem. Is there any way I can come to a Work session prior to the next meeting and show you the plans and make sure that it's sufficient?

TRUSTEE GOLDSMITH: Our next work session is Monday, May 16th, 2022. Or you can submit it as soon as you have it ready, and we can, when we do field inspection, we can review any new plans and contact you with any questions.

MR. KIELY: That would be perfect.

TRUSTEE GOLDSMITH: Anyone else here wishing to speak regarding this application?

(No response).

Hearing no further comments, I make a motion to table this application.

TRUSTEE SEPENOSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

MR. KIELY: Thank you, very much, for your time tonight. I appreciate it.

TRUSTEE GOLDSMITH: Thank you, sir.

TRUSTEE KRUPSKI: Number 12, En-Consultants on behalf of **JOHN & LYNN SCOTT** requests a Wetland Permit to partially reconstruct, alter, and renovate existing 1 & 2 story dwelling and appurtenances as follows (project meets Town Code definition of demolition): Partially reconstruct, in-place (i.e., provide new roof and partially reconstruct existing walls over existing deck/foundation, to remain), approximately 848sq.ft. one-story portion of dwelling and 1,081sq.ft. two-story portion of dwelling; remove 56sq.ft. portion of dwelling; construct 439sq.ft. waterside porch (within existing footprint of 514sq.ft. porch), with 5.5'x6.6' steps; construct onto one-story portion of dwelling a 16sq.ft. one-story addition, 22sq.ft. one-story addition, and 283sq.ft. deck addition with 7'x7' hot tub and 3.2'x4.1' steps; construct onto two-story portion of dwelling a 37sq.ft. covered porch entry and a 128sq.ft. 1 & 2 story addition in place of existing second floor enclosure/overhang and roofed-over patio; relocated basement entrance and construct 30sq.ft. stoop and 5.4'x8.4' steps; remove garage overhang, renovate garage and install 104sq.ft. stone apron in place of concrete apron; install 336sq.ft. pervious gravel patio, 222sq.ft. pervious patio, 86sq.ft. masonry patio, 4'x8' outdoor shower over stone pavers, various stepping stones, and concrete HVAC pad; place and grade approximately 50 cubic yards clean fill to raise grade up to one (1) foot, on waterside of dwelling; install 142 linear feet of masonry retaining wall (max. 3' high), along westerly property line; remove existing trellis, timber retaining walls, and steps, install 30 linear feet of masonry retaining wall (max. 1.5' high), and place approximately 125 cubic yards clear fill to raise grade up to 2.5', on landward side of dwelling; remove driveway and install new pervious gravel driveway with 396sq.ft. parking areas; remove existing conventional septic system and install new I/A sanitary system, install stormwater drainage system, abandon drinking water well; remove overhead electric service, replace buried LP tank and generator, and install public water service, buried electrical service, and closed loop geothermal filed; remove and replace in place 4'x6' wood landing and 4'x6' wood steps to beach; and to establish and maintain area seaward of dwelling as a non-turf buffer area.

Located: 495 North Parish Drive, Southold. SCTM# 1000-71-1-5.

The LWRP coordinator found this to be inconsistent.

Speaking specifically to the one foot using 50 cubic yards of fill on seaward side of the residence. How will this grade affect the adjacent properties. The applicant proposes to raise the grade landward of the residence by 2.5 feet with 125 cubic yards of fill, which is large amount. How will the grade change affect the adjacent properties.

I believe that the Trustees echoed this concern and brought this to the applicant who moved the retaining wall line off the neighboring properties, addressing that concern as stated.

The Conservation Advisory Council resolved to support the application with retractable steps at the base of the retaining wall.

The Trustees most recently viewed the application and noted that they would review further at work session, which they did review the plans, stamped received March 30th, and noted that there is the retaining wall at the neighboring property has been moved in roughly three feet, and that there is stipulated planting in front of it.

Is there anyone here that wishes to speak regarding the application?

MR. HERRMANN: Robert Herrmann of En-Consultants on behalf of the applicant.

Nick, you summarized that correctly. We discussed the application last month. We talked about a lot of benefits that the project would provide. It's primarily the reconstruction of first and second floors of the existing foundation, with some minor footprint additions and reductions including a smaller waterside screened porch and deck addition on the side of the house.

We talked about the fact that the project results in increase in wetland setback to impervious surfaces as a result of removal of 670 square-foot brick patio on the marsh side of the house; the reduction in mass closest to the water as a result of the reduction of the size of the porch; installation of storm water drainage, which is the reason for the proposed fill and retaining walls, to accommodate the proper vertical separation of the drainage components of both ground water. Upgrading the sanitary system to an IA system that is located outside of Trustee jurisdiction; and make the entire waterside of the property as a non-turf natural buffer.

The Board had expressed concerns about the positioning of the westerly retaining wall right along the property line in regard to the height. There was some conversations with the neighbor, we had some conversations at the hearing. I misunderstood some of what Nick was talking about. We went back and forth. I finally got it. And we did have the plan revised by the engineer to now have a separation distance of three feet between the westerly property line and that retaining wall. Which also resulted in some reduction in fill which was noted in the revised project description.

So we are hoping that we satisfied the Board's concerns and

requests with respect to that retaining wall. But if have you any additional questions, we are certainly happy to address them.

TRUSTEE KRUPSKI: Thank you. Is there anyone else here wishing to speak regarding this application?

MR. BENIC: My name is Boris Benic and I am the next door neighbor, and I really have no issue with these particular plans. But I was concerned about the wall being constructed between our properties, and now I understand that it's being setback about three feet, which is perfectly fine with us.

TRUSTEE SEPENOSKI: Thank you, Boris.

TRUSTEE KRUPSKI: Is there anyone else here that wishes to speak regarding this application or any additional comments from the members of the Board?

TRUSTEE GOLDSMITH: You'll do some planting in that three feet, correct?

MR. HERRMANN: Correct. I think that's also noted on the revised plan.

TRUSTEE KRUPSKI: Hearing no one else, I make a motion to close the hiring on the application.

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve the application with the new plans stamped received March 30th, 2022, thereby bringing the project into consistency with the LWRP coordinator.

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

TRUSTEE SEPENOSKI: Number 13, En-Consultants on behalf of **GEANIE ARCIGA & THOMAS JUUL-HANSEN** requests a Wetland Permit to construct a 4' x ±118' timber bluff stairway, including a 4'x7' entry platform at top of bluff; a 4'x4' landing; (3) 4'x6' landings with benches; a 4'x7' landing; and a 4'x6' platform off bulkhead with 2'x5' retractable "flip-up" steps to beach; clear and maintain a 4' x ±42' wood chip path to stairway; and restore areas disturbed during construction with native plantings.

Located: 500 Castle Hill Road, Cutchogue. SCTM# 1000-72-1-1.10

The LWRP found this proposed action consistent.

The Conservation Advisory Council supports the application with retractable stairs at the base.

The Trustees most recently visited the site on the 5th of April, 2022. Notes read: Will review further at work session, check the permit history.

The Trustees office is in receipt of plans stamped March 3rd, 2022.

Is there anybody here who wishes to speak regarding this application?

MR. HERRMANN: Thanks, Eric. Rob Herrmann of En-Consultants on behalf of the applicant.

This is a property that the Board has looked at previously. I think Nick has been out here a few times. There was

originally a permit issued for the structures that are currently under construction, at the 100-foot bluff setback, with clearing up to the 50-foot bluff setback. There is a silt protection fence out there, which we believe is set at the 50-foot top of bluff setback. And this is a new application to construct a bluff stairway to provide access to the beach along Long Island Sound.

The plan was prepared by Jeffrey Butler. It's typical specs that we provided the Board for this type of project -- three-foot amended elevation above bluff grade, maximum four-feet in width. And consistent with the Conservation Advisory Council's condition of approval. There is a retractable stair shown at the base of the stairway. The stairway ends at the existing bulkhead, then there is a platform form with retractable quote unquote flip-up stair to the beach. So that stair will be up and off the beach during the off season or storm season, whatever you want to call it.

If the Board has any other questions, I'm here to answer them.

TRUSTEE SEPENOSKI: Is there anybody else here who wishes to speak regarding this application?

TRUSTEE GILLOOLY: When we visited this site we did note there was some clearing, and it seemed to be within that 50 feet.

MR. HERRMANN: Liz, was this on the Sound side of the silt fence?

TRUSTEE GILLOOLY: Yes.

TRUSTEE KRUPSKI: No. I could be mis-remembering this, but it seemed to me like the silt fence might have been a little close to the bluff, right? Or do you think that, like was it on the Sound side of the silt fence or was the silt fence too close?

TRUSTEE GILLOOLY: The silt fence was too close. I think you are right about that.

MR. HERRMANN: So I did, we did discuss this with the client, and I can only relay what I was told, is that they did have the 50-foot bluff setback marked out based on this site plan prior to construction. But we can certainly check that. I mean, at the end of the day there is no clearing allowed here within 50 feet. So we can definitely verify that. I mean we could have the surveyor go out and check that fence line. It's separate from the issue of the stairway. And if there is anything, you know, if the fence is too close at some point, we would have to provide some sort of restoration for that.

But again, I had asked the question and was told there was at least an intent to set the fence in the right place for consistency. But again that is easy enough to verify based on the plan.

TRUSTEE SEPENOSKI: Is there anyone else who wishes to speak to this application?

(No response).

Hearing none, I move to close this hearing.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE SEPENOSKI: I move to approve the application with plans stamped March 3rd, 2022, noting the addition of the flip-up stairs. That's my motion.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

MR. HERRMANN: Thank you.

TRUSTEE GILLOOLY: Number 14, En-Consultants on behalf of **SHEENA ACHARYA & ADRIAN SAPOLLNIK** requests a Wetland Permit to construct an 8'x8' in-ground spa (in place of former chimney and existing grade-level masonry patio area), with 6' high pool enclosure fencing and 8'x6' drywell for spa discharge. Located: 645 Glen Court, Cutchogue. SCTM# 1000-83-1-7

The LWRP reviewed this application and found it to be consistent.

And the Conservation Advisory Council reviewed it and resolved to not support the application. The Conservation Advisory Council did not support the application due to the inadequate setback of the inground spa from the top of the bluff of 41 feet. The Conservation Advisory Council questioned whether the spa is actually an inground swimming pool.

The Trustees most recently did an inhouse review of this project on April 5th, 2022, where we discussed it based on the site plans.

Is there anyone here wishing to speak regarding this application?

MR. HERRMANN: Yes. Thank you, Liz. Rob Herrmann of En-Consultants on behalf of the applicant. Ms. Acharya is also here.

We believe this to be a straightforward application for an 8x8 spa, which is proposed nearly adjacent to the waterside of the existing dwelling, partially in place of a previously-existing chimney that was recently removed, and within the footprint of the existing masonry patio on the waterside of the house or what will be the footprint of the 28'x62' patio the Board approved recently pursuant to Wetlands Permit 10062, I think last month. So therefore the spa would not increase the impervious surface area of the property or create any additional encroachment on the existing bluff setbacks.

And as the Board is likely familiar by now, as I know you have been to this site a few times this year in connection with the prior applications, the adjacent bluff is well protected and stabilized both by a bulkhead at its toe and a retaining wall at its crest, which creates a level grade between the house and the bluff.

We did recently submit a revised site plan to correct the depiction of the proposed fencing, so that the fence plan coincides with the fencing that was already approved by the

recently-issued permit. And also to reflect the proposed ten-foot non-turf buffer adjacent to the retaining wall that was also just approved as part of the prior permit.

I should also note that the reason that the spa is before you now and was not included in the prior application was because it had to go for ZBA approval, which was granted last month.

If the Board has any questions, we are happy to try to address them.

TRUSTEE GILLOOLY: Is there anyone else here wishing to speak regarding this application?

(No response).

Does anybody on the Board have any questions or wish to make any comments?

(Negative response).

TRUSTEE GILLOOLY: Hearing none, I'll make a motion to close this hearing.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GILLOOLY: I make a motion to approve this application as submitted.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

MR. HERRMANN: Thank you, again.

TRUSTEE PEEPLES: Number 15, AMP Architecture on behalf of **SUSAN KARTEN** requests a Wetland Permit for a proposed 512sq.ft. (16'x32') swimming pool; a proposed 983sq.ft. (46'x32.5') deck; install 155 linear feet of 4' high glass pool enclosure fencing with self-closing gate; install two drywells for pool; and to install pool enclosure fencing.

Located: 2455 New Suffolk Avenue, Mattituck. SCTM# 1000-114-9-14.1

MR. PORTILLO: Good morning, Board. Anthony Portello, for the applicant.

TRUSTEE PEEPLES: I'm just going to continue through everything if it's okay. Nice to see you.

MR. PORTILLO: I'm sorry. I thought her were done. I apologize.

TRUSTEE PEEPLES: No worries. The Trustees visited the site on April 5th, and noted, questioning the height of the pool, the depth to ground water, questioned the need for retaining wall and a non-turf buffer.

The LWRP finds this project consistent.

And the Conservation Advisory Council does not support this application because the proposed location appears to be within a flood zone. The site improvements might necessitate an attach hole.

Then we also received a letter from, I believe a neighbor, dated April 8th: We have no objections to Ms. Karten's plan to install a pool on her home back deck. However, we are very

concerned about any plans and we are unaware of any plans to drain the pool or change the water contained. Any draining of chemical-infused pool water onto her lawn could contaminate Lake Maratooka, further endangering a very fragile freshwater lake and further jeopardize the variety of wildlife it supports. Which includes fish, turtles, swans, osprey and an occasional national bald eagle.

If Ms. Karten can arrange for a safe way to refresh or winterize her pool that does not involve draining it on her property, her proposal is fine with us. And that was submitted by Catherine Harper.

Is there anyone here who wishes to speak with regard to this application?

MR. PORTILLO: Yes. Sorry about that. Anthony Portello, AMP Architecture. Thank you.

So I just want to state that the request for the addition of the deck is level with the existing deck that's there. We are not exceeding the existing staircase that is already existing. On top of that, just to note, because of the angle of the home, the corner of the addition does not exceed, it's actually less than what is there existing, the wetland boundary line that was flagged.

We are proposing a drywell that is two feet above ground water, as you can see we provided a ground water test hole. You can see where the ground water is located. So that is for the backwash of the pool. The pool is elevated and currently we are requesting a six-foot pool depth, which is 2.8 feet above groundwater.

One other, just to note, that the pool surround will be on the deck to the gate walls will be on the deck. So nothing is going onto the ground.

TRUSTEE PEEPLES: Thank you. Then the test hole you mentioned, where is that on the plan? If you don't mind identifying that.

MR. PORTILLO: Sure. So it's actually taken right where the existing deck is, like to the left of it. It's that sort of black circle.

TRUSTEE PEEPLES: Oh, I do see that. Yes, kind of on the corner of the pool. Okay.

Then I do not see any pool equipment on the plan.

MR. PORTILLO: Actually, so it's actually to the left of the house, next to the AC units. I actually, I'm looking, I don't see a note. It is noted on, I have this plan here, if I can approach, I can show you.

TRUSTEE PEEPLES: Okay. Yes, please.

MR. PORTILLO: It's a blowup. It's going to be here next to the existing AC.

TRUSTEE PEEPLES: That's the larger one, okay. And do we have this plan?

MR. PORTILLO: I don't think it was submitted. I can give you a copy of it. This was the site plan.

TRUSTEE PEEPLES: That seems to be a little more zoomed in than what we have here.

MR. PORTILLO: Can I submit this now?

TRUSTEE PEEPLES: I think we typically ask for sound screening around the pool equipment.

MR. PORTILLO: Sure. Not a problem.

TRUSTEE PEEPLES: Is there anyone else who would like to speak in regard to this application?

TRUSTEE GILLOOLY: Just a quick question about the non-turf buffer. Did you plan to vegetate that at all?

MR. PORTILLO: No, ma'am. Putting in just sand.

TRUSTEE PEEPLES: Okay.

TRUSTEE GILLOOLY: The water does come right up to that lawn there. And is there any retaining wall needed for the pool?

MR. PORTILLO: No, I mean the grade is actually pretty flat, as you can see from the topographical lines on the survey. So I don't think so. Again, this is an elevated structure

TRUSTEE GILLOOLY: Right, okay. Just give us one moment.

MR. PORTILLO: Can I also mention we filed with the DEC and they are currently reviewing. And we have had the request for like a minor change but it seems like there's none, there are not issues with what we are proposing to them.

TRUSTEE GILLOOLY: Understood.

TRUSTEE PEEPLES: Anyone else wish to speak or have any other questions from the Board?

(Negative response).

I'll make a motion to close this hearing.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE PEEPLES: I make a motion to approve this application with the plans dated stamped April 7th, 2022, that do include the ten[foot, non-turf buffer. And as noted there is pool equipment on this plan, so we would like to condition with a sound screen for the pool equipment. And that is my motion.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

TRUSTEE GOLDSMITH: Number 16, AMP Architecture on behalf of **EDWARD & MEREDITH RERISI** requests a Wetland Permit for the existing 1,730sq.ft. dwelling and to construct additions and alterations (project meets Town Code definition of demolition) consisting of a proposed 416.9sq.ft. (22'x19.3') second story addition; a proposed 112sq.ft. (11.2'x10') second story addition; a proposed 391.1sq.ft. (18'x20.2') two story addition; a proposed 117.5sq.ft. (16.1'x7.3') two story addition; and a proposed 159sq.ft. (11.2'x14.2') two story addition for a total of 2,370.4sq.ft. for the proposed dwelling; a proposed 50sq.ft. (10'x5') covered porch; a proposed 80.5sq.ft. (16.1'x5') covered porch; a proposed 512sq.ft. (16'x28.5') pool; a proposed

228sq.ft. (8'x28.5') and 1' (600.5) coping; proposed 260 linear feet of 4' high pool enclosure fencing; proposed 18sq.ft. (3'x6') pool equipment with screening; a proposed 51sq.ft. (3'x17') rear stoop; a proposed 20.7sq.ft. (3'x6.9') side stoop; a proposed 16sq.ft. (4'x4') outdoor shower; a proposed I/A septic system; and to install five (5) drywells.

Located: 1515 Calves Neck Road, Southold. SCTM# 1000-63-7-37

The LWRP found this to be consistent.

The Conservation Advisory Council resolved to support the application.

The Trustees conducted a field inspection April 5th, noting that the project appeared to be straightforward, no seaward bump outs, pool proposed on landward side of home.

Is there anyone here wishing to speak regarding this application?

MR. PORTILLO: Again, good evening, Board, Anthony Portillo, AMP Architecture. That is correct, we are not proposing anything seaward. Everything is happening landward.

We also are proposing drywells that currently there are no drywells. So it will be collecting all the rainwater. I thought it would be good to note. And we are adding an IA system to the home.

TRUSTEE GOLDSMITH: Thank you. Is there anyone else here wishing to speak regarding this application?

(No response).

Any questions for comments from the Board?

(Negative response).

Hearing none, I make a motion to close this hearing.

TRUSTEE PEEPLES: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

I make a motion to approve this application as submitted.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

MR. PORTILLO: Have a good night, Board. Thank you.

TRUSTEE KRUPSKI: Number 17, Jeffrey Patanjo on behalf of LAURIS RALL requests a Wetland Permit for the removal and replacement of existing failing sanitary system in new landward location of existing with new low-nitrogen I/A style sanitary system.

Located: 5400 Great Peconic Bay Boulevard, Laurel.

SCTM# 1000-128-2-12

The Trustees most recently visited the site on the 5th of April, noting that the application was straightforward.

The LWRP coordinator found this to be consistent.

And the CAC resolved to support the application.

Is there anyone here that wishes to speak regarding this application?

MR. PATANJO: Jeff Patanjo, on behalf of the applicant. Any questions, I would be happy to answer them.

TRUSTEE KRUPSKI: Or any additional comments from the members of

the Board?

(Negative response).

Hearing none, I make a motion to close the hearing.

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

TRUSTEE KRUPSKI: I make a motion to approve this application as submitted.

TRUSTEE GOLDSMITH: Second. All in favor?

(ALL AYES).

TRUSTEE SEPENOSKI: Number 18, Jeffrey Patanjo on behalf of **MIKHAIL RAKHMANINE & JENNIFER V. RAKHMANINE REVOCABLE TRUST** requests a Wetland Permit to remove existing timber bulkhead and replace with 131 linear feet of new vinyl bulkhead in same general location and raise the height an additional 18" above existing top cap elevation; a total of 45 cubic yards of clean sand fill will be placed landward of the proposed bulkhead and utilized as fill due to raised height of bulkhead; construct a proposed 4' wide by 48' long fixed pier utilizing Thru-Flow decking over wetlands and non-treated timber decking on remainder which will lead to a 30" wide by 14' long aluminum ramp and a 6' wide by 20' long floating dock with un-treated decking, supported with two (2) 10" diameter CCA piles, situated in an "I" configuration; a 35'x24' dredging area surrounding the proposed floating dock will be dredged to a depth of 36" below mean low water removing a total of 65 cubic yards of spoils which will be removed from the site to an approved upland location; and for a proposed 10' wide non-turf buffer to be installed and perpetually maintained along the landward edge of the proposed bulkhead and consist of beach sand, mulch or pea gravel. Located: 685 Bungalow Lane, Mattituck. SCTM# 1000-123-3-9.

The LWRP found this proposed action inconsistent with Policy 6.3, protect and restore tidal and freshwater wetland.

The applicant did not demonstrate the following dock standards pursuant to 275-11, construction operation standards have been met. The parcel has a previously permitted dock, the shallow water depth in the area promotes bottom scarring and turbidity. Evidence of bottom scarring is shown in a 2011 aerial photograph.

Closing the basin at the end of the dock would not address the shallow water depth when navigating seaward from the dock.

The Conservation Advisory Council resolved not to support the application. The Conservation Advisory Council doesn't support the application to harden the shoreline and requests coir logs and vegetated buffer and through-flow decking on the ramp and dock.

The Trustees most recently visited the site on March 9th, 2022, and potential for natural living shoreline in lieu of bulkhead. Questioning will trees need to be removed for retaining wall. We discussed it in our recent work session.

Received plans stamped April 13th, 2022. I'll distribute

it to my fellow Trustees.

Is there anyone here who wishes to speak regarding this application?

MR. PATANJO: Jeff Patanjo, on behalf of the applicant. This application, I think this is my third time here this month, has been modified significantly to address the comments by the LWRP coordinator as well as the Conservation Advisory Council.

The upper retaining wall has been removed from the project. The existing bulkhead is to remain in place. It's currently functional and they wish to keep it in place. The lower bulkhead section is kind of falling apart, not in great condition. We modified the application. This is also based on the DEC comments, we have addressed that by removal, by vibration methods. No disruption of existing wetlands above or below the lower retaining bulkhead, now be a three-tiered coir log living shoreline with plantings. And the actual, the proposed pier there was comments in there about dredging, that was completely removed from the application. We now have a fixed pier, and as you see on the plans that were provided tonight it is through-flow decking on the entire structure. TRUSTEE SEPENOSKI: Is there anyone else here that wishes to comment?

MS. HULSE: I would just like to clarify for the record, the previous application for these applicants received a SEQRA review of negative declaration, however this application is significantly changed from that previous application and now the SEQRA review is unlisted action.

TRUSTEE GILLOOLY: The only comment that I have is it's a bit difficult to do a pier line with the existing docks, given that the land kind of slopes out. So it kind of, it does something very generous for your client, however I think maybe taking an average of the two dock lengths and using that would be more accurate in this case.

This dock would far exceed the neighboring dock to the west; is that correct?

MR. PATANJO: Yes and no. I have had applications like this and we discussed, I have done some of these plans and sometimes they are on the outbound side. Now I'm sticking it out further but if you take the shoreline and extend the shoreline, the pier line is actually here. If you look at plans, as I indicated on there, there is an abundance of room, six-hundred foot to the opposite shoreline. Nobody is, you know, pier lines are obviously, for multiple reasons, and one of the reasons is for flow of traffic for boats coming and going. There'll never be a boat encroaching within this area, even where we are right now. Because the channel is further, 200 feet away from here, the mean travel channel.

So, you know, the water depths are of consideration for anybody docking a boat. You are approving a boat, if I'm holding this back at all, now I'm going into a foot of water, even less than a foot of water, which is unreasonable for having

a dock, if they intend to dock a smaller boat. Obviously we have, and I didn't print myself a plan, so I don't know what the water depth is. There is, I think, say 24 inches of water out at the far terminus of the dock, which is sufficient for a typical 22', 24' foot boat.

TRUSTEE GOLDSMITH: To address Trustee Gillooly's concerns, we looked at it in the office today. The dock to the west, I guess, does not have a permit. We measured it on the Google Earth, approximately 75. The dock to the east, I believe was 92 feet. And as you mentioned, it does shoal in considerably there. We had discussed potentially dialing it back. I think you are going from 1.7 to 0.9.

So the LWRP made concerns about turbidity and scarring, and I think if we did dial it back, we would be just adding to that. So, you know, it is within the pier line, it is consistent with the length of neighboring docks. And I don't believe that we can really dial it back any more without adding to more damage.

TRUSTEE GILLOOLY: I think we are all boaters and we all appreciate that.

TRUSTEE PEEPLES: And just one clarification. I know you removed the retaining wall, the landward retaining wall. Does that mean that the tree --

MR. PATANJO: The tree won't be affected at all. No work on adding the ten-foot wide non-turf buffer along the existing bulkhead.

TRUSTEE PEEPLES: Okay, so the tree will remain.

MR. PATANJO: Yes.

TRUSTEE PEEPLES: Fantastic. Thank you.

TRUSTEE SEPENOSKI: Is there anyone else out there who wishes to comment on this application?

(No response).

And these are the scaled plans delivered April 13th, 2022?

MR. PATANJO: Yes. I e-mailed them and dropped them off today.

TRUSTEE SEPENOSKI: Thank you. All right, hearing no further comment, I make a motion to close this hearing.

TRUSTEE GILLOOLY: Second.

TRUSTEE GOLDSMITH: All in favor?

(ALL AYES).

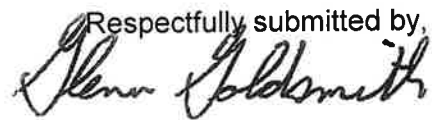
TRUSTEE SEPENOSKI: I make a motion to approve this application noting that the revised plan and written description address the LWRP's concerns regarding bottom scarring because they now include a fixed pier dock and no floating docks in the last application. And they also address the Conservation Advisory Council's concerns with coir logs and the efforts to maintain a living shoreline in this proposed location, thereby bringing into consistency with the LWRP, and satisfying the Conservation Advisory Council's concerns. That is my motion.

TRUSTEE KRUPSKI: Second.

TRUSTEE GOLDSMITH: All n favor?

(ALL AYES).

I make a motion for adjournment.
TRUSTEE PEEPLES: Second.
TRUSTEE GOLDSMITH: All in favor?
(ALL AYES).

Respectfully submitted by,


Glenn Goldsmith, President
Board of Trustees